

LOUIS G. CALDWELL  
(1891-1951)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
FREDERICK M. ROWE  
ALDYSIUS B. M'CAMBER

LAW OFFICES OF  
**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**

WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STEPLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

July 26, 1961

JOSEPH DUCOEUR  
RAYMOND G. LAPROCA  
HOWARD P. WILLENS  
JOHN P. MANWELL

Mr. John H. DeWitt, Jr., President  
WSM, Inc.  
Nashville 3, Tennessee

Dear Jack:

Pursuant to our telephone conversation, I am enclosing herewith an extra copy of our July 7 Memorandum to which is attached the FM Notice of Inquiry. I hope that the Subcommittee makes the Notice of Inquiry a part of the hearing record respecting the "6 to 6" proposals.

Cordially,



R. Russell Eagan

RRE:bb  
enc.

LOUIS G. CALDWELL  
(189-1951)  
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REED T. ROLLO  
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July 7, 1961

M E M O R A N D U M

As you have probably read in the trade press, the Commission this week adopted a comprehensive "Notice of Inquiry, Notice of Proposed Rule Making, and Memorandum Opinion and Order" dealing with the future allocation and licensing of FM frequencies. This document is the result of several years of study by the Commission's staff and will have a far-reaching effect on the future development of FM broadcasting. Because of its importance to the industry, we have had copies made and attach hereto the full text.

You will note that the Commission invites comments on a detailed proposal to adopt a nationwide assignment plan for FM frequencies based on a combination of minimum mileage separations and protected service contours. The Commission also proposes to create three classes of commercial FM stations (low power, intermediate power, and high power), and two classes of educational FM stations (low power and high power). Finally, the Commission invites comments on the desirability of prohibiting or limiting the extent to which FM stations should be permitted to duplicate AM programming, and on any other changes in the present FM rules which interested parties wish to request.

Comments on the Commission's proposals are due on September 5, 1961 and reply comments are due on October 5, 1961. The Commission intends to take final action thereafter on adoption of the nationwide frequency assignment plan it has proposed. Other possible changes in the FM rules, including the question of AM-FM program duplication, would not be put into effect without further rule making proceedings.

KIRKLAND, ELLIS, HODSON,  
CHAFFETZ & MASTERS

Enclosure

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington 25, D. C.

FCC 61-833

In the Matter of	)	6666
	)	
Revision of FM Broadcast	)	
Rules, Particularly as to	)	DOCKET NO. 14185
Allocation and Technical	)	
Standards	)	
	)	
Petitions of:	)	
	)	
Joseph D. Worth	)	RM-33
	)	
FM Unlimited, Inc.	)	RM-94
	)	
Charles River Broadcasting Co.	)	RM-159
	)	
for changes in FM Station	)	
Assignment Rules	)	

NOTICE OF INQUIRY, NOTICE OF PROPOSED RULE MAKING,  
AND MEMORANDUM OPINION AND ORDER

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Appendix A

## INTRODUCTION

1. With the availability of new technical information, and for other reasons, the time has come when the public interest requires the Commission to take a close look at the FM broadcast service, its present situation, and its possibilities for future development -- particularly, though not exclusively, in the area pertaining to station assignment criteria. The considerations impelling the present inquiry are detailed below; principally, they relate to two general questions: (1) whether the present system of station assignments is the one best suited to optimum development of this important broadcast service, or, if not, what changes should be instituted; (2) how the development and expansion of the FM service can be achieved without the serious administrative burdens and great delays inherent in present standard broadcast station assignment principles.

2. In connection with this examination, information is sought on a number of subjects, mentioned below, and in this respect the present proceeding is one of inquiry. However, our own examination of available data and the pertinent factors has also led us to certain tentative conclusions as to what changes in FM assignment rules and principles may be most in the public interest. These consist of certain proposals discussed in Section IV hereof and set out in detail in Appendix A of this document. With respect to some of the subjects covered, the present proceeding is a rule-making proceeding and rules consistent with the notice may be adopted without further rule-making if such a course seems desirable. See paragraph 72.

## I. History and Development of FM Broadcasting

3. The FM (frequency modulated) broadcast service has some distinct advantages over the AM (amplitude modulated), or standard, broadcast service which has developed in the medium frequency range. These advantages stem in about equal part from the propagation and other characteristics of the frequencies used for FM (88 to 108 mc), and the characteristics of the modulation system employed. Because of these factors, FM is relatively free from atmospheric and man-made noise, and interference between stations, even co-channel stations, is both lesser in extent and less objectionable in form than is true in AM (or at least can be if high-quality FM receivers are used). As there is essentially no difference between day and night propagation conditions at the frequencies used by FM, stations have relatively uniform day and night service areas and there is no necessity for the use of different assignment principles day and night, as there is in the standard broadcast band.

4. FM broadcasting was first authorized by the Commission in 1940, and the first commercial station began operation in 1941. In 1945, the service was shifted to its present space in the spectrum, the band of 20 mc from 88 to 108 mc, which is divided into 100 channels each 200 kc wide. These 100 channels are designated by number, from 201 to 300. The lowest 20 of the 100 are reserved for noncommercial educational use. Of the remaining 80, 20, interspersed through the FM spectrum from Ch. 221 to Ch. 296, are allocated for use by low-power "Class A" stations. The remaining 60 channels are allocated for use by higher-powered "Class B" stations. After the initial spurt of 1946 and 1947 growth of the service was slow; in 1955 the number of commercial FM stations stood at 560. However, in more recent years the service has expanded quite rapidly, so that there are now authorized about 1,250 FM stations, of which roughly 190 are noncommercial educational, 110 are low-power Class A, and 950 are Class B. By states, California (142), Ohio (90), New (79), and Pennsylvania (78) lead in number of authorizations; there are no stations authorized in 4 states (Montana, North and South Dakota, and Vermont). In the northeastern states generally, in parts of California, and in other smaller areas such as around Chicago, there is a high concentration of stations and new assignments are not easy to make.

5. The present basis of FM station assignment is discussed at length below. In 1945, at the time of the shift of the service to its present band, the Commission put into effect a tentative table of assignments, under which particular FM channels were assigned to particular cities.

In August 1958 we abandoned the principle of a fixed table assigning specific channels to specific communities, and deleted the FM

Table. FM assignments are now made on the same general basis as are AM assignments -- an applicant proposes to use a particular channel, and (if his application complies with our rules and he is otherwise qualified) the only consideration is whatever interference will be caused to co-channel and adjacent-channel stations. One of the principal considerations prompting us to the present inquiry is that, in our view, there is need to re-assess the merits of the station assignment pattern evolving under this procedure.

## II. Over-all Objectives and Problems.

6. The FM service, like standard broadcasting, is an aural medium. We have stated the objectives in the standard broadcast service in the following terms:

- (a) Provision of some service of satisfactory signal strength to all areas of the country;
- (b) Provision of as many program choices to as many listeners as possible; and
- (c) Service of local origin to as many communities as possible.

7. To some extent, in FM and in AM, these objectives conflict. Fortunately, with a multiplicity of channels it is possible, as has been done in AM, to classify channels and stations so that conflicting objectives can be served. Achievement of the third objective stated, and to some extent the second also, is furthered by provision for a multiplicity of stations. Assignment of a large number of stations to a single channel imposes a limitation, by reason of mutual interference, on the extent of service from the individual station. On the other hand, achievement of the first objective, and to some extent the second, is at least in some situations furthered by provision for stations able to serve wide areas -- operating with as high power and antenna height as is practical, and protected from interference out to the point where their signals become too weak to be generally useful, or nearly to that point. Only by this means, it appears, can service be provided to rural areas and sparsely settled portions of the nation. The same result cannot be obtained from assignment of a large number of low-powered, more closely spaced stations, for the reason that a station causes destructive co-channel interference over an area much wider than that within which it renders a useful service, so that there will always be wide gaps between the service areas of co-channel stations. Were stations located ideally from a geometric standpoint, probably these gaps would be filled in by service from stations on other, non-adjacent channels; but stations are not located on this basis. They are located in communities large enough to provide population and economic support.

Therefore, it appears there will always be a need for a certain number of wide-area stations, especially in sparsely settled areas. Our specific proposal herein -- Appendix A -- provides for such operation, known as "Class C" stations. Comments are invited upon the general question of whether, and to what extent, such stations are necessary in the various parts of the country.

8. Relationship with AM: To a large extent, in the past we have treated these media separately, looking at each and its problems and development without regard to the other. They are both aural media, however. The differences are purely technological and do not connote any distinction in the subject matter which may be broadcast with either system. Consideration of some of these technological differences in light of the objectives mentioned above discloses that each of the two media has some characteristics lacking in the other. To some extent, they may therefore be treated as complementary, utilizing each to further the objectives it is best suited to serve.

9. First, it would seem that the FM service, if properly utilized, can afford a suitable means for relieving the tremendous pressure for authorization of local radio outlets in many communities. Applications to this type of station have swamped our AM assignment processes and, in many instances, led to the authorization of AM stations which are marginal from a technical and service standpoint and which must often be limited to daytime operation only. These AM applications, and the hearings involved, have been and are most burdensome; and the stations, when authorized, often cause interference to existing stations in the already overcrowded AM spectrum, and are themselves limited to rather small service radii daytime, and, if operating at night at all, often to only a few miles during that period. In many instances, they can be assigned only on a daytime basis, and thus do not afford to their communities and areas radio service and a local outlet during non-daytime hours. 0/ The relatively small number of FM receivers as compared to AM receivers still remains a problem in connection with the development of the FM service. It is also possible that the full potential of that service cannot be realized through use of relatively low-cost FM receivers. Comments on the subject of receivers, from the standpoint of cost and suitability for achieving the maximum benefit of FM broadcasting, are invited. But even though these problems exist now, it is to be hoped that they will not remain substantial obstacles over a long period. There is little question that in the long run the over-all need for local outlets can be served far better by FM assignments than by AM stations operating under the severe limitations of the present crowded AM spectrum. This objective is, of course, related to objective (c) above.

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Footnote 0/ on next page.



10. The second respect in which FM development may complement AM is with respect to the nighttime "white areas" in the nation -- areas totalling more than 1,700,000 square miles and containing more than 25,000,000 persons -- which now receive no primary AM service during nighttime hours and much of which probably will never be able to receive such service. For economic reasons, it may be that the potential assistance from FM unlimited-time assignments serving these areas is limited, but it is to be hoped that some contribution may be made if the FM band is properly utilized.

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0/ Of slightly more than 3,200 AM stations now authorized to operate during daytime hours, 2907 operate with 1 kw or less power (of 1,795 Class II and Class III stations, 223 operate with 250 watts, 342 operate with 500 watts, and 1,230 operate with 1 kw; many of the 1112 Class IV stations have increased or are about to increase daytime power from 250 watts to 1 kw). Under average conditions, 1 kw power in AM operation gives a service radius to the normally protected contour of no more than 40 miles (on 960 kc, with ground conductivity of 5 mhos/m, the distance to the 0.5 mv/m contour would be 39.7 miles). In a minority of cases, the distance may be substantially more, but it will also be much less on higher frequencies with low ground conductivity. Nighttime, Class IV local stations are limited to a service radius of about 4 miles on the average, in many cases not even serving all of their cities of assignment. The service radius of Class II and Class III stations operating nighttime (of which 593 operate with 1 kw power or less) varies with the nighttime limit caused by interference; the average for 1 kw operations is about 12 to 15 miles.

An FM station operating with 1 kw E. R. P. and antenna height of 250 ft. above average terrain, the present maximum for Class A facilities, would have a service radius of 37 miles if protected to its 50 uv/m contour, and of 25 miles if protected on the basis specifically proposed herein. This would exist both day and night, unlike the AM station. The cost of AM non-directional and FM facilities of this magnitude is generally comparable -- \$4,000 to \$5,000 for a 1 kw AM transmitter and \$5,000 to \$6,000 for a 1 kw FM transmitter, with antennas of about the same height (AM stations of this character usually use antennas about 150 to 300 ft.). Moreover, nighttime operation by Class II and Class III AM stations usually requires much more costly directional antennas (513 out of 593 such stations operating with 1 kw or less power employ such antennas).

11. Station assignment principle and need for an over-all plan:

If these objectives -- whatever relative importance they may have to each other in any particular situation -- are to be furthered to the greatest possible extent, it is imperative that a plan for channel usage be formulated with these objectives in mind and that its operation be continually subject to surveillance to assess the extent to which it is achieving these objectives. An imperative requirement is that the type of assignments to be made on each channel should be determined, and that stations assigned on each should be located so that the maximum number of the appropriate type can be assigned. In other words, there should be spacing between stations such that whatever degree of protection is decided upon will be afforded, but not much more, unless the spacing is to be large enough so that ultimately another station can be assigned between the first two. Otherwise, space is wasted. 1/

12. Under present assignment principles, an applicant requests a particular frequency, and (provided the proposed operation will provide the necessary coverage to the community of assignment and the applicant is otherwise qualified), the application is granted if no interference is caused within the 1 mv/m contour of an existing station, or if, on balance, it appears that such interference is outweighed by the benefits from the new service. 2/ In other words, the assignment of stations is, in large measure, on a random or adventitious basis -- the particular channel assigned depending on which one the applicant selects, which (aside from the matter of interference to existing stations) may in turn depend on such factors as seeking the top or middle frequency on the FM dial, 3/ seeking a frequency close to others to make the new station more desirable from the standpoint of actual or supposed listener convenience, etc. Probably largely for this reason, there is great variation in the number of existing stations per channel, varying for the Class B channels from 28 (Ch. 260, about in the middle of the band), to 5 (Channel 298, near

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1/ Adjacent-channel interference considerations of course enter in, so the situation may in fact not be quite this simple; but in view of the lesser extent of adjacent-channel interference and consequently lesser spacings required for any given level of protection, probably co-channel considerations will usually determine station spacing, at least in areas not already having so many assignments that a new form of allocation would not have much effect in any event.

2/ For recent discussions of FM allocation policy, see the Memorandum Opinion and Order regarding Station WMRO-FM, Aurora, Illinois (WMRO, Inc., FCC 61-205, adopted February 15, 1961); and the decision in Tele-music Co.

3/ Unlike the frequencies in the AM and television services, all of the channels used by FM broadcast stations are virtually equal from a propagation standpoint, so there is no inherent difference between them.

the upper end). Whatever merit these considerations in channel selection may have, it is questionable, at best, whether they should be permitted to thwart the objective of maximum and optimum use of each channel.

13. There is considerable doubt that such an assignment process will fulfill our objectives, if permitted to continue, to an extent as great or even close to as great as would a more carefully worked out, over-all plan. One set of facts leading to this conclusion is the present spacing between stations. A study recently made 4/ of existing spacings on 9 channels and adjacencies, in Zone I (the north-east) and immediately adjoining areas, shows that the shortest single spacing between co-channel Class B stations is 94 miles, the average of the shortest Class B co-channel spacing on each channel is 129 miles, and the average of all spacings between neighboring Class B co-channel stations on these channels (excluding certain very long spacings which can have no conceivable effect on service or interference) is 167 miles.

14. It is likely that, from the standpoint of effective utilization of spectrum space, these spacings leave a good deal to be desired. In terms of present protection concepts -- protection usually to the 1 mv/m contour -- they are substantially greater than that necessary to afford such protection, yet not quite large enough so that another station could later be assigned in between. This is true whether the situation is evaluated on the basis of present propagation standards -- Fig. 1 of Section 3.333 of the Rules -- or new propagation curves adoption of which is contemplated herein. 5/ On the other hand, if some or all stations should be protected to a further point -- e. g., the 50 uv/m or 100 uv/m contour -- the spacing is too small to afford such protection. 6/ In other words,

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4/ This study, which included Channels 260 through 268 and three adjacent channels on either side, was made by a consulting engineer, for the use of the FM Committee of the Association of Federal Communications Consulting Engineers (AFCCE).

5/ Under Fig. 1, the minimum spacing between co-channel stations operating with Area 1 Class B maximum facilities is 88.5 miles. Using the curves proposed herein--low-band VHF F (50, 50) for estimating service, and the F(50, 10) curve proposed for the same television channels in Docket 13340, for interference--this distance is 110 miles. Compared to the Fig. 1 distance, the average of shortest spacings on each channel (129 miles) is 46% greater, and the average of all pertinent spacings is 89% greater. Compared to the distance computed under the new curves, the average of shortest spacings is 17% greater, and the average of all pertinent spacings is 52% greater.

6/ Under Fig. 1, the minimum spacing between co-channel stations operating with Area 1 Class B maximum facilities, and protected to their 0.1 mv/m contours, is 143 miles. Under the new curves, the minimum spacing would be 220 miles.

the more or less random basis of making assignments does not appear to have resulted, or to be likely to result in the future, in an over-all pattern of assignments which is reasonably near to the degree of efficiency which must be sought. It appears that a more rational basis-- reasonably related to the degree of protection which stations of the various classes should be afforded -- is to be desired.

15. Moreover, the same study reveals that spacings between Class B stations on first adjacent channels (200 kc removed) average 178 miles. This is greater than the co-channel average, and nearly three times the minimum spacing which is required under present standards for Class B stations operating with maximum Zone 1 facilities (about 69.5 miles). Along with the data as to co-channel spacings mentioned above, these facts cast considerable doubt upon the over-all efficiency resulting from present assignment methods.

16. Another development which has resulted from the present unplanned use of the channels is the great concentration of FM assignments in large cities and immediately adjoining communities. In New York City alone there are 17 FM stations, in Los Angeles 20, and in Detroit 16. Such concentration is not necessarily bad as such; nobody would argue that, under any allocation plan, cities of such size and importance should necessarily be limited to four or five FM services. Nevertheless, when concentration of assignments is carried to the present extent, it is at least questionable whether the provision of a great abundance of service to the inhabitants of these cities has not occurred at the expense of rendition of more needed service, or provision of first or second local outlets, elsewhere, and whether any further concentration of this sort should be allowed. We do not propose herein to change any existing facilities, and we do not make any specific proposal concerning prohibition of any further assignments to such cities or urbanized areas, but we invite comments upon the question of whether, considering the needs which can and should be served by future assignments of FM stations, any new assignments or increased facilities should be permitted in such cities or their metropolitan or urbanized areas.

17. Effect of individual consideration of applications on over-all service: In FM, as in the standard broadcast service, proposed assignments of new or increased facilities are considered individually, except where two or more applications are mutually exclusive. Each proposal is evaluated on the basis of whether it would cause interference to existing stations, and, if so, to what extent. Whatever the merits of this approach, it has one obvious disadvantage -- it does not permit evaluation of the total effect of a series of authorizations upon an existing station or existing over-all service. In other words, a single appli-

cation before the Commission may involve some small amount of interference to an existing station, but not enough to justify denial of the application on this ground; but the total effect upon the service of the existing station from a series of such grants may be significant. 7/ Under this approach, the AM spectrum has become crowded, and probably over-crowded, and, while this situation does not prevail in FM as yet, there appears a possibility that it soon will in some areas. Like the matter of efficiency mentioned above, this possibility appears to indicate the desirability of an over-all plan instead of case-to-case consideration of individual applications.

18. Administrative problems: One important consideration impelling the present inquiry is that the FM service and its expansion have begun to develop the same severe administrative problems that have beset AM assignment-making for some years. At present, usually the consideration of an AM application for new or increased facilities involves consideration of interference to or from the proposed operation, or both -- which means that great effort is required on the part of all parties concerned and the Commission and its staff in determining the location of service and interference contours, counting the populations within service and interference areas, and evaluating the extent of other service available in such areas. In the vast number of hearings now involved in the AM assignment process, very lengthy arguments occur between the parties as to these matters, as to the validity of ground wave measurements offered to establish contour locations, etc. If an application is granted after all of this time and effort, the result is often only a marginal operation, as mentioned above -- a result which appears disproportionate to the effort involved. The delays involved in this process are too familiar to all. While, because of uniform propagation characteristics the FM assignment process will probably never in any event develop all of the problems now associated with AM, the same tendency has recently appeared -- contours must be located, populations counted, and amount of other service established; and hearings on these matters must be held.

19. It appears that these developments are more or less inherent in any assignment system where in each case interference to existing stations is balanced against service benefits, and in which,

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7/ This problem is especially related to second and third adjacent-channel interference. Because the extent of such interference is small, occurring in an area immediately around the interfering station's transmitter, the gain from one such grant generally outweighs the loss, population-wise. But the effect of a series of such authorizations on the existing station's service may be more significant.

therefore, it is difficult or impossible to set up fixed standards which will determine, without elaborate consideration, whether or not a particular application will be granted. The relative absence of such fixed standards in AM has contributed much toward the manifold problems mentioned above, since in their absence all of the detailed factors involved with each application (described above) must be considered carefully and at length, and applicants are encouraged to file marginal applications which probably cannot be granted but conceivably will be. To avoid the development of similar problems in FM, in our view it may well be desirable that fixed standards be adopted for future assignments in that service, so that each application can be judged on a strict "go-no-go" basis.

### III. Conclusions as to General Approach

20. In view of the foregoing consideration, we have tentatively reached two conclusions as to the general approach which, it may well be, should be adopted for the future development of the FM service. Comments thereon are, of course, invited.

These conclusions are:

(a) FM assignments would be based on an over-all plan, designed to insure the optimum and maximum use of each channel and take into account the total effect of all further assignments on existing service, rather than the present system (similar to AM) under which an applicant selects any channel he sees fit, and his application (provided it complies with our rules and he is otherwise qualified) is considered on an individual basis, taking into account only whatever interference problems it may involve without regard to consideration of over-all efficiency and total impact of service.

(b) The over-all plan would be one involving strict standards which will determine without elaborate weighing of various factors whether an application will or will not be granted. The details of the plan we propose herein are spelled out below; but, whatever plan is adopted in this proceeding, we are presently of the view that it must be based upon this absolute concept. Our present FM rules (Secs. 3.203(a) and 3.313(c)) contemplate grants in spite of interference "in order to insure . . . a maximum of service to all listeners", or "in order to provide a equitable and efficient distribution of facilities".

It may well be that these discretionary provisions should be eliminated, in line with the approach we presently believe may be more in the public interest.

IV. Specific Proposals Concerning an Over-all FM Allocation Plan

21. To achieve the objectives and meet the problems mentioned, we propose the adoption of an over-all plan of FM station assignments along the lines set forth below and in Appendix A. The reasons for the particular proposals are set forth briefly in connection with each matter. Comments on these proposals and the considerations involved in each are invited.

A. Type of plan to be adopted.

22. We propose to adopt a Table of Mileage Separations (see Appendix A), which will apply at least to all assignments of new FM stations (whether such Table will also apply to increases in facilities by existing stations is discussed below). Under this proposal, a station can be located no closer than the distance specified in the Table to an existing co-channel or adjacent-channel station; in this respect the plan will be similar to that used in television. However, in order to achieve efficiency in assignment and avoid waste of space, we also propose to impose certain criteria as to maximum separations with respect to existing co-channel stations. These will insure to the greatest practicable extent that a new station will either be located reasonably near the minimum distance from existing stations (so that little space will be wasted), or will be located at least twice the minimum distance from existing stations so that later a new assignment can be made in between. Our proposal in this regard is that a new station must be located no further than the minimum given in the Table plus 25 miles, or else at least whole multiples of the minimum shown in the Table.<sup>8/</sup> The use of minimum and maximum separations will afford stations adequate protection against interference, achieve over-all assignment efficiency, and provide a clear guide as to whether or not a particular assignment can be made.

23. We are presently of the view that a table of separations of this sort is to be preferred to other alternatives. A specific Table of Assignments giving particular channels to particular communities, such

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<sup>8/</sup> This requirement would not apply in the event the proposed station is over 600 miles distant from any co-channel assignments previously made.

as the former FM and present television tables, we believe to be too inflexible, especially in view of the very large number of communities which, it is hoped, will ultimately have FM stations. With the number of channels available, there is no reason to impose such a rigid framework upon the expansion of the service. While amendment of such a Table would always be possible, this is a cumbersome step in the assignment process which should not be required unless necessary. Another approach would be to adopt simply a flat rule that, on the basis of whatever propagation curves, interference ratios, and protected contours are to be adopted, no new assignment would be made which would cause any objectionable interference within the protected contour of an existing station. But, since FM frequencies are all the same propagation-wise, it is easy to reduce calculations based on particular curves to a set of separations contained in a table, which can be easily understood and referred to by an interested person; and therefore there is no reason why the curves themselves need be adopted into the rules, at least for assignment of new stations.

24. It should be noted that the proposal to use a table of this sort involves a tentative decision on another point -- that existing stations are to be protected on a uniform basis, regardless of the facilities which they use or which are proposed by the new station. This is, of course, true with the television separations. Otherwise, any Table (which would be drawn to take into account different levels of existing and proposed facilities) would be too complicated and curves probably would have to be used instead. Obviously, if objectionable interference is to be avoided, this uniform basis must be protection on the assumption that both existing and proposed stations will operate with maximum facilities permitted on the channel involved. We are presently of the view that protection on this basis is in the public interest, because it will permit unhampered expansion of stations to maximum facilities -- and hence more and better service -- even where initially maximum operations may not be economically feasible. The table we propose herein is accordingly based on the concept that existing and proposed stations will be assigned on the basis of maximum operation by both. However, this, of course, raises a question as to whether minimum facilities should be required, even initially, to avoid substantial waste of space through protection of "service" which does not in fact exist. This is discussed below.

25. If curves are not adopted as part of the rules, of course, there must be a series of tables, or nomograms, to cover three other matters in which location of contours is significant. These are: (1) "equivalence", or the maximum power permitted where antenna height above average terrain is greater than that contemplated as the "maximum"



for the station involved; (2) coverage of the city to which the station is licensed (which can be expressed in the form of a table of minimum distances to the furthest point on the city's boundary line); and (3) overlap permitted for stations under common ownership. We propose to adopt tables covering these matters for the various heights and powers on the basis of the service curve employed herein, and using the following standards: (a) for principal city coverage, provision of a 3 mv/m (69.5 dbu) signal over the entire city; (b) for overlap for multiple ownership purposes, the overlap of 2 mv/m (66 dbu) contours. See Appendix A, Item (d). Comments are invited on whether these values are correct, or what others should be adopted.

B. Propagation curves to be used:

26. Whether or not propagation curves are adopted or retained as part of the Rules, clearly some set of propagation curves must be used as the basis of assignments. 9/ FM assignments are presently made on the basis of the curves contained in Fig. 1 of Sec. 3.333 of the Rules, which take into account groundwave propagation only. These curves (adopted about 15 years ago) are widely, and perhaps generally, regarded as out-of-date. In particular, the Fig. 1 interference curve is inadequate because it is based entirely on groundwave transmission, whereas, as is now generally recognized, tropospheric propagation is a significant factor in FM signal transmission and in the extent of interference at the distances involved here. 10/ We are of the view that present Figure 1 should accordingly be replaced.

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9/ The FM rules presently permit use of field intensity measurements in the consideration of individual applications, but in practice measurements have seldom, if ever, been used. While comments are invited on this point, our proposal herein is to eliminate from the rules all references to measurements, so that assignments will be made on the basis of propagation curves or data derived therefrom.

10/ Our present rules recognize tropospheric propagation as a factor in FM interference by stating (Sec. 3.313(b)) that the undesired signal is the tropospheric signal exceeded 1% of the time. However, Sec. 3.313(d) provides for determination of interference on the basis of Figure 1, the groundwave chart. An earlier edition of the Rules (1953) contained substantially the same provisions as to tropospheric signal, and stated that this would be determined from "Figure 2". It was stated in a footnote that "Figure 2" would be available in the future when sufficient tropospheric measurements had been made, and until that time interference would be determined on the basis of Fig. 1, the groundwave chart. Since the low-band VHF television curves mentioned in the text adequately reflect tropospheric propagation, there is no need to adopt a separate set of curves for FM.

27. The FM band is immediately above the low-band VHF television Channels 2-6 in the spectrum and propagation conditions in these two bands are substantially the same. Therefore we propose to use the propagation curves which have been adopted or proposed for use in low-band VHF allocations as a basis for any tables of separation which may be adopted for FM. We have selected for this purpose the F(50, 50) curve proposed in Docket 13340 for television Channels 2-6 for the estimation of service and the F(50, 10) curve proposed in that docket for the same channels for the estimation of interference. These proposals have the support of the Radio Propagation Advisory Committee (RPAC), a committee composed of representatives of the Commission, the Bureau of Standards, and the communications industry. The mileage separation tables contained in Appendix A are based on these curves. Comments are invited on this proposal. While the F(50, 50) curve for television Channels 2-6 presently in the Rules give substantially the same answer for the distances involved in this proceeding as the RPAC curve, we are of the view that the latest available data should be used as a basis for proposals herein.

C. Signal ratios for determining interference:

28. Under the provisions of present Section 3.313(b) of the Rules, objectionable interference exists where the ratio of desired to undesired signal is less than 10 to 1 (20 db) co-channel or 2 to 1 (6 db) for first adjacent channel (200 kc removed), or where the ratio of undesired to desired signal is more than 10 to 1 (20 db) for second adjacent channel (400 kc removed) or 100 to 1 (40 db) for third adjacent channel (600 kc removed). In view of the discrimination possible against unwanted co-channel signals in an FM system it may be helpful to re-examine the co-channel ratio to be used. Likewise, in view of the studies which have been conducted by the C. C. I. R. on the possibility of using offset carrier techniques and cross-polarization in the allocation of FM broadcast stations, parties having data or views on these matters may wish to submit them to the Commission.

29. Comments upon the question of what should be the proper co-channel and adjacent-channel interference ratios are invited, particularly from parties having specific data on this subject. Our specific proposal herein is based on the present interference ratios, set forth above. Particularly with respect to first adjacent-channel interference, parties commenting should recognize the significance in this connection of FM multiplexing, including stereophonic broadcasting, as permitted under present rules.

D. Classes of stations and channels - noncommercial educational stations

30. Comments are invited upon the question of what changes, if any, are appropriate in the present assignment plan for noncommercial educational stations -- assignment of these stations (except in Alaska) on 20 channels at the low end of the FM band especially reserved therefor (channels 201 and 220), and the division of these stations, for practical purposes, into two classes, those operating with 10 watts power or less, and those operating with greater power (no maximum is specified). (See Sec. 3.501, 3.505, 3.551 of the Rules.) Our specific proposal herein, Appendix A, does not propose any substantial change in these concepts, since it appears that the number of channels and basis of assignments is reasonably satisfactory. The proposal provides for two classes of educational stations "Class D", low power (10 kw or less), and "Class E", higher power, with maximum the same as the maximum commercial station which would be permitted at the same location.

E. Classes of stations and channels: commercial stations

31. Presently the 80 commercial FM channels are divided into Class A and Class B channels. Class A, interspersed through the commercial FM band from ch. 221 to ch. 296, are used by low power Class A stations. The remaining 60 channels are used by higher power Class B stations. With respect to Class B assignments, the United States is divided into two Areas. Area 1 includes most of the northeastern United States -- the three southern New England states and southern New Hampshire, southeastern New York as far as Albany-Schenectady-Troy; eastern Pennsylvania as far as Harrisburg; Maryland as far west as Hagerstown; and all of New Jersey, Delaware, and the District of Columbia. The rest of the United States is in Area 2. <sup>11/</sup> With respect to Class A stations, there is no difference in the rules pertaining to these areas. In Area 1, Class B stations are limited in height and power to a maximum of 20 kw E.R.P. at 500 ft. a. a. t. or equivalent (and an absolute maximum of 20 kw E.R.P.), whereas in Area 2 Class B stations, while normally so limited, will be assigned with greater facilities if no undue interference to existing stations or probable assignments would result. (See Sec. 3.204(a)(2).) There is a question as to whether the present

<sup>11/</sup> However, a Note to Sec. 3.202 provides that in certain parts of the country contiguous to Area 1, higher demand for frequencies requires that applications be given careful study to insure equitable distribution of facilities. These territories include the remainder of Maryland and Pennsylvania; all but the northeastern corner of New York; southern coastal states through South Carolina; Ohio and Indiana; southern Michigan as far north as Saginaw; eastern Illinois as far west as Rockford-Decatur, and southeastern Wisconsin as far north as Sheboygan.

division of commercial FM stations into only two classes, A and B, is appropriate in view of the various needs and purposes which FM stations are and will be called upon to serve. These needs include wide-area coverage so as to provide service in rural and sparsely settled areas, local outlets for as many communities as possible both in and around urbanized areas, and elsewhere, and coverage of expanding suburban areas by city stations. Comments are invited upon the question of how many classes of commercial FM stations should be provided for, and what the facilities of each should be.

32. Our proposal herein (Appendix A), which it appears may be adequate to meet the diverse needs involved and at the same time simple enough for easy administration, is for three classes of commercial stations:

Low-powered "Class A" stations, generally similar to the present Class A stations, designed to serve smaller communities and surrounding rural areas.

Intermediate-powered "Class B" stations, generally similar to the present Class B stations, operating with great enough facilities, and protected far enough, to provide service to cities and surrounding suburban areas.

High-powered "Class C" stations, operating with facilities substantially greater than the present Area 1 Class B maximum, and protected out as far, or nearly as far, as they can render a useful service in the absence of interference.

33. Channels for commercial stations: Assuming that FM stations should be divided into classes, there remains the question of how many, and which channels should be reserved for each class. <sup>12/</sup> Comments on this subject are invited. Our proposal, based on the three classes of new commercial stations mentioned above, is as follows (with alternatives, as mentioned; see Appendix A):

(1) Low-powered Class A stations: The potential number of low-powered Class A stations which can be assigned to each channel under the proposal may be as high as 165 and it appears that the number of channels presently allocated for this use (20)

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<sup>12/</sup> Conceivably, new stations of different classes could be assigned to the same channel. However, in our view, such a basis of operation would serve neither assignment efficiency nor administrative convenience.

is appropriate. This will give space for more than 3,000 assignments. There remains the question of whether these 20 channels should be interspersed through the commercial portion of the FM spectrum, as at present, or contiguous in the band. There are considerations on both sides. Keeping the 20 present Class A channels has the advantage of simplicity in that both new and existing stations on these channels would be of the same class. Moreover, the present arrangement has made possible -- and was in fact adopted as the only way to achieve -- the making of more Class B assignments in cities. On the other hand, the present occupancy of Class A channels (a maximum of 11 stations on Channel 252) is not such that a changeover in channel classification would present great inconvenience. Moreover, the adjacent-channel problems involved in making the very large number of Class A assignments hoped for will be substantially less if the adjacent channels are occupied by low-power Class A stations than if, as now, every Class A channel is adjacent to channels occupied by higher-power Class B stations. Our proposal in this respect -- Appendix A -- is in the alternative, and comments are invited on which alternative is preferable.

(2) Intermediate-powered (Class B) and high-powered (Class C) stations: We have mentioned above the need for high-powered, wide area stations, referred to herein as "Class C" stations. There is a question as to whether there is either a real need for such stations, or much opportunity for their assignment, in the northeastern portion of the United States generally corresponding to Area 1. This portion of the country is more heavily populated, and large centers of population are numerous and relatively close together, so that, to a greater degree than in the remainder of the nation, adequate service may be expected to be furnished to all or nearly all of the area and population by stations generally similar to present Class B stations, located in sizeable communities relatively close together. Moreover, it may be that in Area 1 frequency occupancy is already so nearly complete that unless changes are to be made in existing facilities, which we do not presently contemplate, there will be relatively little opportunity for the assignment of new stations on this basis. We are not presently persuaded, however, that assignments in Area 1 are already so numerous that no advantageous reallocation plan for that area could be worked out.

34. Assignment Plans I and II: Therefore, in this respect we set forth herein, and invite comments on, two alternative proposals. The details of these are set forth in Appendix A. Plan I envisages a reallocation throughout the nation, and repeal of the present division into areas, with 20 channels reserved for low-power Class A stations and 20 channels (which we believe an adequate number) reserved for high-power "Class C" stations, with maximum facilities considerably greater than those now permitted in Area 1. The channels reserved for these "Class C" stations would be either contiguous in the spectrum or contiguous except for the interspersions of Class A channels, depending on

the decision reached as to whether Class A channels should be reallocated (see above). The remaining 40 channels will be allocated for use by intermediate-power stations, generally corresponding to present Class B stations in Area 1. This number of channels appears appropriate for such assignments.

35. Plan II, on the other hand, would involve less sweeping changes. Under it, the United States would still be divided into two areas, present Area 1 being redefined on the basis of entire states, to include the three southern New England States, New York, Pennsylvania, New Jersey, Maryland, the District of Columbia, Ohio, Indiana, and Illinois. These are states of comparatively high urbanization and thickly settled population. Area 2 would include the rest of the country. Within both areas, Class A stations would be assigned on 20 Class A channels, either the present 20 channels or a contiguous band (see above). In Area 1, the other 60 channels would be used by "Class B" stations corresponding generally to the present Class B stations in that zone, with roughly the same maximum facilities. In Area 2, on the other hand, there would be no new "Class B" assignments, but on these channels new "Class C" stations would be assigned with a uniform maximum for facilities (unlike the present rules which provide no absolute maximum in this Area), this maximum to be considerably higher than the present Class B maximum for Area 1. These stations would be protected from interference over wide service areas, so that they may render service to great areas and populations.

36. Alaska and Hawaii: In Alaska, the frequency band 88 to 100 mc is not available for broadcast use, eliminating FM channels 201 through 260 for FM assignments in that state. This leaves Alaska presently with 10 Class A and 30 Class B channels, and no channels specifically reserved for educational use. Therefore (Sec. 3.501(b)) our Rules provide for non-commercial educational, as well as commercial, use of Channels 261 to 300. In Hawaii, the frequency band 98.1 to 107.9 mc is similarly not available, eliminating Channels 251 through 300 and leaving a total of 50 channels -- 20 educational, 8 Class A, and 22 Class B. Present assignments in these states are not numerous -- in Alaska, one Class A and one Class B; in Hawaii, three Class A and one educational.

37. Comments are invited upon what basic changes in channel allocations should be made in these states. We propose herein the following changes: (1) if "Plan I", referred to above, is adopted, 10 channels in Alaska and 10 channels in Hawaii would be reserved for use by high-power "Class C" stations, these channels to be either contiguous in spectrum or contiguous except for Class A channels (see above); (2) if "Plan II"

referred to above is adopted, these states, as part of Area 2, would be in the future assigned "Class C" rather than "Class B" stations. Noncommercial educational stations in Alaska could be assigned on any channel as at present.

F. Station facilities, protection, spacing

38. General principles of station assignments; maximum facilities and spacings: assuming the above-proposed designation of the FM channels for use by five different types of stations -- lower-power commercial, intermediate-power commercial, high-power commercial, low-power educational, and higher-power educational -- there must be determined what combination of facilities used by the various classes of stations, and separations to afford a proper degree of protection, are appropriate for each channel. This decision must be made in the light of a number of considerations: (1) the purpose to be served by the various classes of stations -- wide area coverage, numerous stations to serve as local outlets, etc.; (2) provision for the largest number of stations on each channel reasonably consistent with other objectives; (3) provision for each station of a protected service area large enough to provide population and economic potential sufficient to support an operation of the particular class; (4) assignment efficiency in mathematical terms, i.e., the percentage of total area which the number of stations assignable on each channel can serve; under various combinations of facilities and protected areas; and (5) the distance or contour out to which a station can render useful service in the absence of interference (beyond which there is no point in protecting it).

39. Some of these matters warrant discussion. As to assignment efficiency, this is of course directly related to the spacing of stations, which in turn reflects the combination of facilities used and service area protected. For a triangular lattice pattern of station arrangement, which permits the greatest number of stations on a channel, the efficiency in terms of percentage of area covered is determined by the formulas.

Eff. =  $\frac{200 A}{\sqrt{3} S^2}$ , where A is the service area of each station and S is the spacing between stations; or  $363 \times \frac{(R)^2}{(S)}$ , where R is the service radius

and S is the spacing. Applying these formulas to certain possible combinations of facilities and protected contours, and resulting co-channel spacings, the results in terms of efficiency are as follows (using the new curves proposed herein):

<u>Facilities</u>	<u>Assuming protection to 1 mv/m contour</u>			<u>Assuming protection to 0.1 mv/m contour</u>		
	<u>Dist. to contour (miles)</u>	<u>Minimum Spacing (miles)</u>	<u>Efficiency (% of area)</u>	<u>Dist. to contour (miles)</u>	<u>Minimum Spacing (miles)</u>	<u>Efficiency (% of area)</u>
Present Class A maximum(1kw, 250ft)	10	50	14.5	28	130	16.9
Present Class B Area 1 Class B maximum (20kw, 500 ft)	28	110	23.5	57	220	24.3
High Power (100kw, 2000 ft)	64	180	45.8	98	295	40.4

40. Thus, among these various arrangements lowest efficiency results from using low-power stations protected to the 1 mv/m contour, while highest efficiency results from using high-power stations protected to that contour. With respect to low-power and intermediate-power stations, greater efficiency results from spacings affording protection to the 0.1 mv/m contour than from protection only to the 1 mv/m contour; but this is not true as to high-power stations, where the efficiency curve falls off between the 1 mv/m spacing and the 0.1 mv/m spacing. As to any particular height and power, efficiency does not vary greatly with extent of protected area and resulting spacing. For example, using the new curves proposed herein, for Class B stations operating with the present Area 1 maximum facilities, efficiency varies about 3.3% for spacings from 60 miles to 260 miles, with the maximum occurring at about 150 miles. For stations using the high-power facilities mentioned, efficiency varies less than 12% for spacings from 120 to 300 miles, the greatest efficiency occurring at about 180 miles. For Class A stations operating with present maximum facilities, there is only a 3% variation between any two spacings from 60 to 165 miles.

41. Stations, of course, are assigned to actual communities, rather than on an idealized geometric basis such as that assumed, with some loss of efficiency; but in general this reduction does not change the basic relationship between spacings and efficiency of channel use. Therefore, principles of absolute assignment efficiency, while not necessarily determinative, must always be borne in mind, and parties commenting herein should take them into account. Likewise, adjacent-channel assignments, of course, affect possible station location, but since the spacings required to afford a given level of protection are much smaller than with co-channel assignments, this does not become a significant problem except in small areas already crowded with need and demand for assignments.



42. Since efficiency varies relatively little with spacing, it is more appropriate to look closely at another factor which varies much more sharply, number of assignments per channel. This is particularly true with respect to channels, such as the present and proposed Class A channels, primarily designed for numerous assignments of low-powered stations; but it is also true of all channels except perhaps those reserved for wide-area stations. As a rough rule-of-thumb, reducing the spacing in half, quadruples the number of possible assignments, although, of course, it reduces the coverage area of each station.

43. "Protection" from objectionable interference: With respect to stations on the same channel and first adjacent channel (200 kc removed), the standards we propose herein are designed to afford, in general, "protection" from objectionable interference within certain contours or service radii. Since interference between such stations represents a loss of service rather than merely a substitution of one service for another, we are presently of the view that only on this basis can standards be formulated which will protect the public interest and at the same time permit processing of and action on applications without the elaborate consideration now required in FM as well as in AM.

44. However, as to second and third adjacent-channel interference, other considerations apply. At one time, FM stations were assigned in the same city on such adjacencies. Some interference resulted, and our rules now recognize second and third adjacent-channel interference and preclude assignment of stations in the same city at less than 800 kc (four channel) separation. They may be assigned in nearby cities at 400 or 600 kc separation where the equitable or efficient distribution of facilities would be promoted, except that no Class B stations will be assigned less than 800 kc apart in the same metropolitan district. Sometimes assignments in nearby cities have resulted in objectionable interference within the present standards, but they were made because the service benefits outweighed the losses. Where second or third adjacent-channel interference is involved, the interference occurs within a relatively small area around the interfering station's transmitter, and this small loss is of course completely replaced with the new station's service, so that there is no loss in total service to the public and only small impact from the assignment on the existing station. By making such assignments, we have been able to authorize a greater number of stations in and around large cities than would otherwise be possible.

45. However, it has been argued, perhaps with some merit, that continuation of this process may lead to deterioration of service, through the assignment of a number of stations the total impact of which upon an existing station is substantial. It is contended that this results in a sort

of "Swiss cheese" coverage pattern for the original station, a large service area with numerous "holes" caused by this type of interference around the transmitters of the interfering stations. It has also been urged that, as in AM, a contour-overlap rule is needed to prevent close assignment of stations on these adjacent channels under circumstances where, even though there is no "objectionable interference" under the prescribed ratios, the service of both suffers because of their proximity (through cross-modulation, etc.). We are presently of the view that both of these arguments have some merit, and to a certain extent these concepts are represented on our specific proposals which follow.

45a. As pointed out in the Sixth Report and in other documents including the TV Rules, the received signal at the FM and TV frequencies varies widely with time and location. All propagation curves developed up to the present time cannot be expected to predict service or interference at any particular location and at a particular time. They are, however, useful tools for assignment purposes and may be expected to estimate service on a large area basis. Thus, wherever in this document reference is made to "service" or "protected contour" or "protected area" this important reservation should be borne in mind. For example, in the event an allocation system is adopted which is based upon certain minimum assignment spacings, the only protection which will be afforded a particular station will be that which results from the spacing and the powers and antenna heights authorized.

46. The Commission's proposals: In light of the foregoing considerations, we propose the following maximum facilities and co-channel separations for stations of the various classes. The co-channel separations limit the ultimate extent of interference that can occur to any station and thus assure against encroachment beyond the limits indicated as "protected service area" radius.

<u>Class</u>	<u>Maximum facilities permitted (or equivalent)</u>	<u>Protected service area radius</u>	<u>Minimum co-channel spacing</u>
Class A (low power)	1 kw ERP, 250 ft, a. a. t.*	25 miles	115 miles
Class B (intermediate power)	20 kw ERP, 500 ft. a. a. t.	50 miles	190 "
Class C (high power)	100 kw, ERP, 2,000 ft. a. a. t.	100 miles	300 "

<u>Class</u>	<u>Maximum facilities permitted (or equivalent)</u>	<u>Protected service area radius</u>	<u>Minimum co-channel spacing</u>
Class D (low power educational)	10 watts (transmitter power), 100 ft. a. a. t.	6 miles	25 miles
Class E (high power educational)	same as for maximum commercial station at the same location (i. e. , if Plan I is adopted, same everywhere as Class C station; if Plan II is adopted, same as Class B station if in Area 1, or same as Class C station if in Area 2).		

\* above average terrain.

Unlike the present situation with respect to Class B stations in Area 2, where assignments higher than the normal maximum can be made, all new stations will be limited to the maximums indicated (see above). For reasons already stated, we are presently of the view that the public interest will likely be better served by the adoption of an absolute recognized standard in this respect as in others. As now with Class A stations and Area 1 Class B stations, the maximum power specified above will also be the maximum ERP permitted regardless of antenna height.

47. . Comments, of course, are invited on whether the values set forth are the most appropriate ones. Admittedly, in no case have we selected the values which would give the greatest absolute efficiency; but, as mentioned, this varies relatively little compared to other factors, and it appears that the scheme proposed is that which will best further our other objectives. As to Class A stations, the maximum permitted is the same as that at present; the 25 mile service radius -- which is the equivalent of protection of such facilities to the 140 mv/m contour -- (43 dbu) is substantially greater than the present degree of protection normally to the 1 mv/m contour (60 dbu) (equivalent to 10 miles radius under the new curves proposed herein). It is to these channels that we believe we must look primarily for the development of a vast number of local outlets, removing the need for, and it is to be hoped actually replacing, marginal AM operations such as those discussed above. With these points in mind, the standards chosen appear to represent a suitable compromise. Protection of these stations to their 50 uv/m contours (34 dbu) would permit each to render greater service, but this (which would require a minimum co-channel separation of 165 miles) would not permit the desired

number of assignments per channel, and would mean protection in some cases of a service which is not in fact generally useful. Under the standards proposed, assuming idealized placing of assignments, nearly 300 assignments could be made per channel. Such conditions will, of course, not prevail, but average spacing may be expected to be about 150 miles, which would permit about 165 assignments per channel, or more than 3,000 in the United States, enough to take care of a great many of the 3,500 marginal standard broadcast stations now operating. If average spacing is 150 miles, average protection will be to the 63 uv/m contour (36 dbu), which is sufficiently close to the noise-limited contour. The 25 mile radius gives the station a protected area large enough to provide both adequate coverage of its community and surrounding rural areas, and enough economic support for the relatively modest type of operation involved. It is also to be noted, as mentioned above, that the cost of such an installation will be generally comparable to an AM station of the same power, and the service rendered often much better.

48. Class B stations will be authorized with the same facilities now established as the maximum in Area 1, i. e., 20 kw ERP at 500 ft. above average terrain, or equivalent. The protected service radius which under the proposed new curves is equivalent to protection to the 178 uv/m contour (45 dbu), is substantially greater than at present. We believe the choice here made is a suitable one. The 50 mile protected service radius will permit Class B stations to provide service, in most cases at least, to all of the growing urbanized areas around cities, even where (as will not usually be the case) stations are located at minimum separations. It appears that the basis of assignment set forth will permit an adequate number of assignments per channel.

49. Class C stations will be expected to render service out to 100 miles or roughly to their 84 uv/m contour (38 dbu) if operated with maximum facilities. This will permit the rendition of the wide-area service for which these stations are intended. While comments upon the subject of what is the actual noise limited FM contour under usual conditions are invited herein, we are presently persuaded that protection at this distance is warranted and that a useful service can be provided with signals of this level.

50. It is to be noted that we have set forth the "protected" area in terms of a particular service radius, rather than a particular signal intensity contour. For a given power and antenna height the two can be equivalent. We have chosen the service radius concept because it is a convenient method of precisely limiting the ultimate interference to which a station may be subjected, it avoids imposing additional interference on a station operating with less than maximum power and, of course, has the advantage of being easily understood.

51. Adjacent-channel protection: Since, under existing ratios, first-adjacent channel interference represents loss of service instead of merely substitution of one service for another in the area involved, it does not appear that the public interest would be served by permitting such interference within what is determined to be a station's protected service area for co-channel purposes. Therefore, our proposal herein (Appendix A) is for minimum separations designed to afford protection to the same service area as against first adjacent-channel interference (200 kc removed).

52. As to the second and third adjacent-channel interference, this represents substitution rather than actual loss of service, and it is not necessarily inconsistent to provide a different degree of protection against such interference than is the case for co-channel interference. The radius of protection from second and third adjacent-channel interference proposed for the various classes of stations is: for Class A stations, 10 miles; for Class B stations, 25 miles; and for Class C stations, 35 miles. <sup>13/</sup> It also appears that every station should be permitted to cover its city of assignment without interference. Therefore, our proposal is in terms of minimum distances from the existing station's transmitter location, and in addition minimum distance from the nearest boundary from the city of assignment.

#### G. Equivalence

53. "Equivalence", for determining what power shall be used at greater antenna height than the maximum, is now determined on the basis of the location of the station's 1 mv/m contour, which is the usually protected service contour (see Sec. 3.203, 3.204). The argument has been made that this is unduly restrictive and the test should instead be the location of the interference contour. This contention is based on the fact that increase in height increases service more than it does interference, and therefore greater height could often be used with a correspondingly great increase in service but relatively little increase on interference. There appears to be considerable substance in this argument, since, after all, interference is the only reason why stations cannot be assigned in unlimited numbers. A consideration of the opposite side, supporting the present standard, is that using the service contour as the test results in a degree of competitive equality between stations, for example, where only one of several competing stations has opportunity for great antenna height. Recognizing this, nonetheless our proposal (Appendix A) is that equivalence for determining permissible ERP shall be <sup>13/</sup> It might be argued that Class C stations, designed to render wide area coverage, should be protected to a fairly distant contour against second and third adjacent channel interference, as well as against co-channel interference. Comments upon this point are invited. However, because of the ratios involved any service loss is completely replaced by the substituted new service, and therefore the reason for the wide protection disappears. We do not include this in our main proposal, which provides the same radius as Class B stations.

the location of the co-channel interference contour.

#### H. Minimum Facilities

54. As mentioned above, our proposal is to afford protection to stations on the basis of maximum facilities for the class involved, thereby permitting free expansion and improvement of service without conflicts. As a corollary of this, it presently appears that, even for initial operation, certain minimum facilities should be required for the various classes, to a much greater extent than at present. Otherwise there might be great waste of spectrum space through "protection" of non-existent service. We propose the following minimum (stations must, of course, also provide adequate coverage of their city of assignment in accordance with the rules):

Class A            100 w ERP, 100 ft. above average terrain

Class B            1 kw ERP, antenna height 250 ft. a.a.t.

Class C            20 kw ERP, antenna height 500 ft. a.a.t.

Negative antenna heights will be considered to be 100 ft. a.a.t.

Non-commercial educational stations: Comments are invited regarding acceptable minimums.

#### I. Relationship of plan to existing stations.

55. We do not propose herein to change any existing facilities. Therefore, superimposing an over-all assignment plan upon the present structure raises certain questions with respect to stations authorized at the time the plan is adopted. These are:

(1) If there is reclassification of channels (A to B, B to A, A or B to C), how will existing stations on these channels be treated if they do not fall within the limits of facilities for the new class?

(2) Should expansion of existing facilities be governed by the table of separations and permitted only when meeting its requirements, or should it be permitted on another basis, for example, use of propagation curves?

56. With respect to the first matter, reclassification of channels will take place if Class A channels are shifted to a contiguous portion of the spectrum (e.g., Channels 221 to 240), so that present Class A channels become Class B channels and Class B channels become Class A frequencies. It will also take place if Plan I proposed herein is adopted, so that 20 channels are reserved for Class C use throughout the country.

Our proposal in this respect is as follows:

(1) Where a channel is reclassified for use by a higher class of station (A to B or A to C, or B to C), existing stations thereon which do not meet the minimum requirements for the new class will have six months to apply for facilities meeting the minimum requirement. If they do not so apply, or if their applications must be denied because of interference or for other reasons, they will thereafter be protected as stations of the original class. A table for this limited purpose showing minimum separations between co-channel stations of different classes will be provided at a future date.

(2) Where a channel is reclassified for use by a lower class of station (B to A), the existing Class B stations will be protected as Class B stations provided they meet the minimum facilities for that class. Otherwise they will be protected under the Table only as Class A stations.

57. The answer to the second of the two questions is less clear. Existing stations have not been assigned on the basis of the type of over-all plan we proposed here for further assignments, and it is not clear that over-all efficiency and service would benefit from requiring any increase in facilities of existing stations to meet the new over-all standards. We do not propose at this time any specific course of action in this connection. Appropriate rules in this regard will be promulgated on the basis of submitted comments. However, as to some aspects of this problem there appear certain principles which may well serve the public interest, and these we propose in Appendix A to apply. These are:

(1) whatever may be decided upon as to applications by existing stations for increases in facilities on the same channel, applications for new channels will be treated the same as applications for new stations;

(2) applications for increases in facilities on the same channel will not be subject to maximum separation requirements, and;

(3) whatever standard is adopted will be a strict "go-no-go" rule.

V. Pending petitions for FM rule changes in the assignment area

58. Petition of FM Unlimited, Inc. By petition filed in February 1959 (RM-94), FM Unlimited, Inc. proposes a rather sweeping revision of the plan of FM station assignments, described below. We are not convinced that some aspects of this would serve the public interest, but

since we are here undertaking a fundamental and sweeping examination into this subject, we present this proposal, for comments on the question of whether it should be adopted, in whole or in part, or with changes.

59. FM Unlimited seeks the following changes; which, apparently, it would apply also to existing facilities, by reclassification or reassignment to another channel:

(a) Elimination of the present Class A band, and redesignation of channels 286 through 300 at the top of the band (105.1 to 107.9), for use by low-power Class A stations (15 channels).

(b) Increase in the maximum permitted for Class A facilities to 3 kw E. R. P. and 300 ft. a. a. t. (Above average terrain)

(c) Designation of Channels 218 to 285 (68 channels) for use by Class B stations.

(d) Increase in Class B maximum facilities in Area 1 to 20 kw E. R. P. and 1,000 ft. a. a. t.

(e) Assignment of 17 channels, 201 through 217 (88.1 to 91.3 mc) for "Class N", noncommercial, stations, which would include not only educational stations but also religious and municipal stations (e. g., WNYC-FM, New York City). 10-watt "campus" stations would be assigned only to Channel 201. (It is asserted that two such stations can be located even in the same city without interference problems.)

(f) Reassignment both of existing Class B stations, and of Class B channels with respect to new assignments, on a basis designed so that stations in adjacent metropolitan centers (e. g., Chicago-Milwaukee, New York-Philadelphia, Los Angeles-San Diego) will not be assigned with only one channel (200 kc) separation.

(g) Redesignation of "metropolitan-suburban" and "community" stations as Class A stations, and reassignment thereof to Class A channels as defined above. (With exceptions where such stations serve both metropolitan areas and rural areas, e. g., West Bend, Wisconsin, which would be assigned a Class B channel which could be used in Milwaukee.) An Oak Park, Illinois station is cited as a bad example of a suburban station using a Class B channel and really aiming its service at the major city, Chicago. It is urged that such stations be redesignated Class A and required to direct their programming to their particular assigned areas.



59. In support of these various proposals, FM Unlimited argues as follows: Segregation of Class A stations -- including all those mentioned above -- will prevent the making of assignments in suburban communities (such as Redondo Beach, Cal., and Blue Island, Ill.) at 400 kc from existing metropolitan Class B stations, which causes these stations interference. Permitting expanded Class A facilities will permit such stations to cover their cities and surrounding areas satisfactorily. Concentrating Class B assignments in one segment, free from Class A "drop-ins" will enable Class B channels to eliminate 200 kc separations between cities in adjacent metropolitan areas, it is urged that this will eliminate "no man's lands" between these cities which now can receive neither service. It is urged that 17 channels is sufficient for educational and other "Class N" non-commercial stations, and will permit up to 17 Class B assignments, and 8 suburban Class A stations, in each city area without any interference. In support of the Area 1 Class B power increase, it is asserted that this will permit many thousands of people to receive adequate FM service for the first time. It is also urged that minima should be required for Class B stations, so that all may render proper service.

60. The above proposal appears to present numerous substantial problems. Nevertheless, as part of our over-all investigation into this matter, comments thereon are invited.

62. There are two other petitions, which seek smaller changes in the FM rules. That of Charles River Broadcasting Company (RM-159) would delete entirely present Section 3.202, and amend Section 3.204(a), so as to eliminate all reference to Areas, thereby putting Area 1 on the same basis as Area 2. The purpose of this change would be to permit Area 1 Class B stations to operate without any maximum limitation as to height and power, as Area 2 Class B stations may now be assigned. The petition of Joseph D. Worth (RM-33) asks that a flat ceiling of 75 kw ERP be imposed on all Class B stations in Area 2.

63. As to the Charles River petition, we do not contemplate any assignment changes which would eliminate entirely the restriction on maximum facilities in the present Area 1. Comments along this line can, of course, be submitted in response to our own proposals and questions herein, and as such will be considered. The petition itself will be denied. The Worth petition appears to have more possible merit, but since comments making this suggestion may be filed and will be considered under our own proposals and questions, there is no reason for separate consideration of this one individual change. Therefore, this petition, also, will be denied.

#### VI Other assignment matters on which rules may be adopted

64. If an over-all allocation plan such as that described above and in Appendix A is not adopted, or possibly in addition to such plan, other changes in the FM rules may be appropriate and may be adopted herein. Comments are therefore invited upon the following subjects:

(a) Abolition of Area, or creation of more than two Areas, or re-definition of Area 1. There is a question whether, in view of the rapid current growth of the FM service in many parts of the country, any purpose is served by having two Areas with different standards of assignment. This is particularly true with respect to heavily populated portions of the Northeast adjacent to Area 1 (e. g., the Chicago area), and also areas further removed, such as portions of California. Parties are invited to comment on what changes should be made in this respect, such as abolition of areas, creation of more than two areas, or re-definition of Area 1. These comments should, of course, include consideration of what assignment standards should be adopted for the different areas.

(b) If an over-all assignment plan is not adopted, what changes should be made in the rules pertaining to existing and/or new facilities -- e. g., a general or "across the board" increase of the maximum permitted for Class A or Class B stations in Area 1; whether a fixed maximum should be established for Area 2 and if so, what; and whether there should be an absolute ceiling on E. P. P. regardless of height, and if so, what.

(c) Replacement of the term "metropolitan district" by "urbanized area" in the rules. The Rules presently refer to "metropolitan district" in several places. This is a concept which is no longer employed by the U. S. Census Bureau which instead now uses the concepts of "urbanized area" (built-up areas in and around principal cities), and "standard metropolitan statistical area", which is based on entire counties. If the rules continue to embody such a concept as this, it appears that it should be one of those now currently in use, likely "urbanized area". Comments on which of these concepts should be included in the Rules is invited.

VII Other subjects relating to assignments on which comments are requested

65. General subjects as to which comments are requested, particularly from parties having specific data on the subjects involved, in addition to two matters (general efficiency, and possible prohibition of further assignments in crowded cities) are as follows:

(a) Polarization: The FM Rules (Sec. 3.316(a)), provide that horizontal polarization shall be standard, but that circular or elliptical polarization may also be employed, in which case the supplemental vertical polarization involved shall not exceed the ERP authorized. The question has been raised as to whether vertical polarization, as an alternative basis, would not be more effective, especially with respect to vertical whip antennas commonly used on automobiles, in which case the development of the use of FM auto radios might be stimulated. Studies on this subject are now in progress. Comments are requested,

especially from those having specific data, as to the desirability of vertical polarization as a standard method of operation, from the standpoint mentioned as well as otherwise.

(b) Directionalization. Our Rules do not contain specific provision for directional operation by FM stations, but likewise they do not prohibit such installations. A few stations -- roughly a dozen -- operate on this basis. Recently, there have been developed antennas which, while technically "non-directional" and employing only one element, radiate substantially more power in some directions than in others. Directional antennas, or "non-directional" antennas radiating more power in some directions than in others, might be on occasion useful as a device in assignment of stations (as in AM); on the other hand, they might also present serious problems in connection with the use of a table of minimum separations such as that proposed herein. Comments are requested upon this subject, particularly:

(1) What requirements for directional antennas or other antennas radiating more power in one direction in FM should be adopted?

(2) Under what circumstances, and for what purposes, should such antennas be permitted (e. g., only to improve service by not wasting a signal over water, etc., or also as an assignment device)? Under what circumstances should they be prohibited?

(3) What form of assignment plan can be adopted to take into account the use of such antennas?

(4) What degree of suppression is feasible with respect to such antennas in the FM service?

(c) Receiver performance and what levels of FM signal provide usable service under various conditions. There are several questions connected with FM receivers and their selectivity and sensitivity and, in view of the performance thereof, what signal strength is necessary to provide usable service and what interference ratios are appropriate. Comments, especially from those having pertinent data, are requested on this general subject, particularly with respect to the following issues:

(1) What types of receiving antennas (outside, inside, line-cord, etc.) are in use, and, if inside or line-cord antennas are used, how does this affect the standard set forth in the Rules that in rural areas 50 uv/m constitutes a usable FM signal (this standard having been based originally on outside 30 foot antennas)?

(2) What are the levels of signal intensity required, with present FM receiving installations to render usable service

in the absence of interference, in rural areas and in large built-up cities (taking into account the fact that rural areas in recent years have become increasingly electrified so that electrical interference may prevail more than formerly, and the tall buildings and steel construction prevalent in large cities)?

(3) What are the characteristics of FM sets now in use and being manufactured -- especially low-cost sets -- and how do these affect performance, especially in relation to interference ratios presently prescribed?

#### VIII. Questions not relating to FM assignments or allocations.

66. Duplication of AM programming. In an effort to speed the development of the FM service by permitting economical FM operation, the Commission has up to now permitted FM stations to duplicate -- without limitation -- the programming of AM stations, usually AM stations under common ownership. Many, perhaps a substantial majority, of FM stations operate on this basis today. Probably this has contributed to the growth of the medium for the reasons intended, and also it permits AM stations to reach an additional FM audience with a service often of higher quality technically, but at the same time a question exists as to whether duplication, or at least unlimited and total duplication, is an appropriate use of FM facilities or amounts to waste of a valuable, frequency band. Comments are invited as to whether complete or partial duplication should be permitted for any FM station and, if only partial duplication should be permitted, what maximum percentage of program time should be permitted for this kind of operation.

67. Other changes in the FM rules. We further seek comments as to what other changes in the FM rules, such as those relating to frequency or modulation monitors, or grades of operators, should be made.

#### IX. Summary and Conclusions

68. For reasons stated above, a searching and comprehensive review of the status and potential of the FM band is now required. We have reached certain tentative conclusions as to how assignments of new FM stations should be made -- on the basis of an over-all plan, and on the basis of strict "go-no-go" standards without elaborate case-to-case consideration of service and interference. (See Section III above). On this basis, we have formulated a specific proposal, set forth in Sec. IV above and Appendix A, upon which comments are invited. This plan, or portions thereof or variations thereof, may be adopted in this proceeding, without further rule making unless appropriate. Other specific questions concern how existing facilities should be treated if a plan such as that contemplated by Appendix A is adopted, the concepts involved in Appendix A, and also other subjects as to which rules may be adopted herein, whether or not an over-all plan such as that set forth in Appendix A is adopted.

With regard to the over-all proposal advanced by a petitioner (FM Unlimited), it appears to present a number of serious problems; in view of our over-all investigation it is advanced for consideration. As to these subjects (pars. 6 to 64) rules may be adopted herein without further rule making proceedings. In addition, general subjects upon which comments, and, particularly, specific data, are requested are set forth. Except insofar as these subjects (par. 65) are also involved in matters set forth in earlier paragraphs, rules will not be adopted herein on these subjects; however, any determination as to matters covered in earlier paragraphs will, of course, take the comments on these subjects into account. Certain non-allocation questions on which comments are invited are also set forth; rules will not be adopted on these subjects without further rule making (see pars. 66 to 67).

69. It is not expected, or desired, that the comments filed herein will include a point-by-point response to all of the questions set forth herein, especially since many of the subjects involved are highly interrelated. Rather, parties commenting are requested to pick a form of organization which will set forth their basic concepts and proceed from there. For example, data and comments as to receiver characteristics might be presented first, followed by other comments and data as to signal ratios and signal intensity, followed, in turn, by what the party concludes should be the proper standards and principles of station assignments on the basis of the material previously set forth. It would be well if comments on the matter of adoption of strict "go-no-go" standards, from a legal and public interest standpoint, were set forth at a separate point. The same might well apply to the principle of maximum separations proposed at para. 25 above, and to whatever comments the party has on educational assignments.

70. In view of the foregoing, IT IS ORDERED, this 28th day of June, 1961, that: (1) Notice of Rule Making is hereby given with respect to the proposals, matters, and issues set forth in paragraphs 2 through 64 and in Appendix A;

(2) Notice of Inquiry is given with respect to the matters set forth in paragraphs 65 through 67:

(3) the Petition for Rule Making filed by FM Unlimited, Inc. (RM-94) IS GRANTED, to the extent stated herein, and in other respects IS DENIED; and

(4) the Petitions for Rule Making filed by Joseph D. Worth and Charles River Broadcasting Company ARE DENIED.

73. Authority for the adoption of rules on the subjects specified in Appendix A hereto is contained in Sections 4(i), 303(a), (b), (f), (h), (r), and 307(b) of the Communications Act of 1934, as amended. Authority for the inquiry into the subjects specified in paragraphs 65 through 67 hereto is contained in Section 403 of said Act.

74. Pursuant to applicable procedures set out in Section 1.213 of the Commission's Rules, interested persons may file comments on or before September 5, 1961, and reply comments on or before October 5, 1961. In reaching its decision on the rules and standards of general applicability, which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

75. In accordance with the provisions of Section 1.54 of the Rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

FEDERAL COMMUNICATIONS  
COMMISSION

Ben F. Waple  
Acting Secretary

Attachment

Released: July 5, 1961

APPENDIX A

Outline of substance of proposed rules relating to FM station assignments, and alternative proposals (which may be adopted wholly, except for listed alternatives, or in part, or variations of which may be adopted).

1. Over-all assignment plan (with certain alternatives specified below):

The Commission proposes the following over-all allocation plan, with alternatives as specified:

Classes and facilities of stations:

(a) with respect to new FM station assignments, there will be five classes of stations, three commercial and two noncommercial educational, operating on channels designated for each class, with maximum facilities (effective radiated power and antenna height above average terrain), or equivalent, and minimum facilities or equivalent, as follows:

<u>Class</u>	<u>Maximum facilities (ERP and ht. a. a. t.) (or equivalent)</u>	<u>Minimum facilities (ERP and ht. a. a. t.) (or equivalent)</u>
<u>Class A</u> (low power commercial)	1 kw ERP, 250 ft. a. a. t.*	100 watts ERP, 100 ft. a. a. t.
<u>Class B</u> (intermediate power commercial)	20 kw ERP, 500 ft. a. a. t.	1 kw ERP, 250 ft. a. a. t.
<u>Class C</u> (high power commercial)	100 kw ERP, 2,000 ft. a. a. t.	20 kw ERP, 500 ft. a. a. t.
<u>Class D</u> (low power educational)	10 watts (transmitter output power)	none
<u>Class E</u> (higher power educational)	same as for maximum commercial station at same location (i. e., Class B or Class C, depending on plan set forth below)	none

The Maximum E. R. P. stated will be the maximum regardless of height.

\* Above average terrain.

(b) Minimum separation between stations: protected service areas:

No new assignments will be authorized at less than specified distances from co-channel and adjacent-channel stations (up to 600 kc removed). These separations are designed to prevent, in general, objectionable interference within a certain distance of the existing station, thus providing that station a particular interference-free service radius and service area. The service radius so protected will vary with the class of station, and will be less for second and third adjacent-channel interference (which does not result in any overall loss of service) than for co-channel and first adjacent-channel interference. 1/ The minimum for second and third adjacent-channel assignments will also serve to prevent objectionable overlap of signal strength contours aside from interference.

<u>Class</u>	<u>Maximum facilities permitted (or equivalent)</u>	<u>"Protected" service area radius</u>	<u>Minimum co-channel spacing</u>
Class A (low power)	1 kw ERP, 250 ft.a.a.t.*	25 miles	115 miles
Class B (intermediate power)	20 kw ERP, 500 ft.a.a.t.	50 miles	190 miles
Class C (high power)	100 kw ERP, 2,000 ft.a.a.t.	100 miles	300 miles
Class D (low power educational)	10 watts (transmitter power) 100 ft.a.a.t.	6 miles	25 miles
Class E (high power educational)	Same as for maximum commercial station at the same location (i.e., if Plan 1 is adopted, same everywhere as Class C station; if Plan 2 is adopted, same as Class B station if in Area 1, or same as Class C station if in Area 2).		

\* above average terrain.

With respect to second and third adjacent-channel assignments, (where the protected service radius is less than for co-channel and first adjacent channel interference), the minimum separation to be adopted is a double

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Footnote 1/ on next page.



requirement: the new station must be at least the specified distance from the transmitter location of the existing station, and from the nearest point on the existing station's city of assignment. This is to provide stations with interference-free coverage of their cities of assignment.

1/ We do not propose to include in the rules themselves any propagation curves or figures for interference ratios or protected service radii. However, our proposal here is, as the Report and Order will set forth if the proposal is adopted, that: (1) the curves used as a basis for the separations are, for estimation of service, the F(50,50) curve for Channels 2-6 and for the estimation of interference, the F(50,10) curve proposed for the same channels in Docket 13340; (2) the interference ratios used are those presently contained in Section 3.313(b) co-channel, 10 to one (20 db); first adjacent channel, two to one (6 db); second adjacent channel, one to ten (-20 db); third adjacent channel, one to 100 (-40 db); and (3) the service radii protected against objectionable interference, for the various classes of stations, are as follows:

<u>Class</u>	<u>Against co-channel and 1st adjacent-channel (200 kc removed) (miles)</u>	<u>Against second and third adjacent channel (400 and 600 kc removed) (miles)</u>
Class A	25	10
Class B	50	25
Class C	100	35
Class D	6	6
Class E	Same as maximum commercial station at same location (Class B or C)	Same as maximum commercial station at same location (Class B or C)

With respect to co-channel and first adjacent-channel interference, the separations specified represent "protection" to Class A stations to the 140 uv/m contour (43 dbu), Class B to the 178 uv/m contour (45 dbu) and to Class C stations to the 84 uv/m contour (38.5 dbu). All separations are based on the assumption that both existing and proposed stations operate with maximum facilities.

(c) In order to secure a reasonable efficiency in the assignment of FM channels an applicant shall endeavor to select a channel on which other assignments are not more than 25 miles above the minimum co-channel separations specified in the rules or whole multiples of such separations. In the event this is not possible, the channel providing the next best efficiency should be selected. If the nearest co-channel assignment is over 600 miles distant this requirement need not apply. In no case will assignments be made at less than the minimum separations specified.

(d) Requirements for principal city coverage and avoidance of over-lap of commonly owned facilities: In order to insure adequate coverage of the city to which a new station is assigned, the station's transmitter site shall be no further from the furthest point on that city's boundary than the distance specified in a Table to be adopted for this purpose, with provision for the maximum such distance for the various heights and powers of stations. This Table will be based on the provision of coverage of at least 3 mv/m.

No stations under common ownership will be authorized at distances less than those shown on a Table to be adopted for this purpose, which will provide minimum separations for stations of the various heights and powers. This Table will be based on overlap of 2 mv/m contours.

(e) Equivalence: For determining maximum ERP allowed when the antenna height above average terrain is greater than that specified for maximum facilities, a Table adopted for that purpose, giving permissible ERP for the various antenna heights, will be used. This Table will be based on the location of the station's co-channel interference contour. For determining minimum ERP allowed when the antenna height a.a.t. is less than that specified for minimum facilities, a similar Table will be used. This Table will be based on the station's protected service radius. Both Tables will be based on the same propagation curves used for separations.

(f) Assignment of noncommercial educational stations to channels: Noncommercial educational stations of both classes (Class D and Class E) will be assigned to Channels 201 to 220, except in Alaska, where these channels are not available for broadcast use and where, therefore, these classes of stations may be assigned to any available FM channels.

(g) Assignment of Class A stations to channels: 20 channels will be reserved (as far as new assignments are concerned) for Class A stations. These 20 channels will be designated on one of two bases, in the alternative:

(1) the 20 channels previously reserved for Class A use (20 channels interspersed through the FM band from channel 221 to channel 296), or;

(2) 20 channels contiguous in the FM band, except in Alaska and Hawaii, where (because part of the FM band is not available for broadcast use) 10 channels would be so reserved.

(h) Assignment of Class B and Class C stations to channels:

Class B and Class C stations will be assigned to channels reserved therefore, in accordance with one or the other of the following two plans, in the alternative:

Plan I: 20 channels will be reserved in the Continental United States except Alaska, and 10 channels in Alaska and 10 in Hawaii, for use by high-power Class C stations. These channels will be either contiguous in the band, or contiguous except for interspersed Class A channels, depending on the alternative adopted under (f) above. 40 channels will be reserved for Class B stations. Under this plan, there will be no division of the country into Areas.

Plan II: Area 1 will include most of the northeastern United States and will be defined on the basis of entire states, including the three southern New England states, New York, Pennsylvania, Delaware, the District of Columbia, New Jersey, Ohio, Indiana, and Illinois. In that Area, the 60 channels not reserved for educational or Class A use will be used by Class B stations, operating with facilities described above. The rest of the United States will be in Area 2. In this area, there will be no new Class B assignments, but Class C stations will be assigned (there will be no Class C assignments in Area 1).

(i) Relationship of existing facilities to new classification of channels:

To the extent there is any reclassification of channels as a result of the plans discussed in (f) and (g) above, stations authorized at the time of adoption of these rules on channels so reclassified will be subject to the following provisions:

(1) In the case of channels reclassified for use by a higher class of station (A to B, A to C, or B to C), existing stations will be protected under the Table of Separations as stations of the new class provided they operate with at least the minimum facilities provided for that class. If not so operating, they will nevertheless be so protected if within six months they apply for increase to attain the minimum, and as long thereafter as their applications are under consideration (such applications by existing stations). If they do not

so apply, or their applications cannot be granted, they will thereafter be protected, under a Table of Minimum Separations, only as stations of the class corresponding to their actual facilities. For this limited purpose, a Table of Minimum Separations will be adopted for minimum separation between co-channel stations of different classes. 2/

(2) All former Class B stations operating in former Area 2 with facilities greater than the normal maximum for Class B, which are by definition new Class C stations, will be protected under Table of Assignment as Class C stations, regardless of the new class of their channel.

(3) If channels are reclassified for use by a lower class of station (B to A), existing stations will be protected, under a Table of Separations to be adopted for this limited purpose, as stations of their earlier higher class, provided they operate with the minimum facilities for this class or apply therefore within six months. 2/ (Refer to footnote on preceding page.)

(j) Applications by existing stations for changed facilities: The following principles will apply to applications by existing stations for changes in facilities:

(1) Applications for a change in channel will be treated like applications for a new station.

(2) Applications for increase in height and power on the same channel will not be subject to the requirement concerning maximum separations.

(3) Where a station operates with antenna height greater than that permitted for maximum facilities, it may increase power to the level permitted by the new Table of Equivalence (based on location of the interference contour).

(k) Fixed standards: The foregoing principles are fixed standards, like minimum mileage separations in television.

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2/ Although the rules would not necessarily so state, the Tables of Separations relating to existing facilities will be based on the same propagation curves, interference ratios, and "protected" service radii as the Table above.





CLEAR CHANNEL

JOHN H. DEWITT, JR.  
PRESIDENT

650 KILOCYCLES

W S M  
INCORPORATED

W S M - T V  
CHANNEL 4

50,000 WATTS ★ ★ ★ NASHVILLE 3, TENNESSEE

M E M O R A N D U M

November 16, 1962

Since Wednesday, November 14th, we have given some study to the problem of coverage of the Latin American countries by radio stations designed to bring news and entertainment to the people in these southern regions of the North American area. We have prepared several maps which are attached showing the nighttime coverage which could be achieved through the use of high power on several of the U.S. 1-A clear channels. In addition, we have prepared maps showing the nighttime coverage of Cuba which will exist on the average throughout the year from the recently installed VOA stations at Marathon and Tortuga, Florida. I believe that the following points can be supported without any question.

(1) The United States has only two treaties which govern standard band broadcasting in this North American region. One is known as NARBA which was signed in Washington in 1950 to which Canada, Cuba, Dominican Republic, United States and the United Kingdom for its territories, the Bahamas and Jamaica, are signatories. The other treaty was signed with the United Mexican States in 1957. There are no treaties between the U.S. and any Central or South American countries which allocate frequencies in the broadcast band among the various nations involved. The NARBA Treaty, as well as the Mexican Treaty, set out certain channels, as local, regional and clear. The U. S. has exclusive use of certain of the clear channels and the treaties do not provide for any top limit on power on these 1-A channels. At the time the Treaty was signed with Mexico some of their stations were and still are operating with power greatly in excess of 50 KW. The only power limitation on our 1-A clear channels which exists today is self-imposed in the rules of the FCC. The Communications Act of 1934 which created the FCC does not impose any such limitation. In the North American Treaty there are certain provisions with respect to certain 1-A stations in the U.S. (WJR, Detroit and KFI, Los Angeles) which would require those stations to limit their radiation toward Cuba in case their power is increased above 50 KW. I have been informed by people within the Broadcast Division of the FCC that they and the State Department no longer regard these restrictions as valid in view of the current Cuban situation.

(2) Skywave signals from existing clear channel stations using adequate power seem to be the only practicable means of bringing service to the vast number of square miles within the Caribbean area at night. The problem is similar to the coverage of the white area in the United States at night. It is not possible to provide groundwave signals from any point within the Caribbean area which will render service at night to the populations involved.

Map #1 shows the half millivolt nighttime signals which would be produced by three stations:

WSM, Nashville - 650 KC (owned and operated by the National Life and Accident Insurance Company)

WSB, Atlanta - 750 KC (owned and operated by the Cox Newspaper interests)

WWL, New Orleans - 870 KC (owned and operated by the Loyola University of the South)

There is a thing called the latitude effect which tells us that signals sent via skywaves are far stronger in the lower latitudes than in the high latitudes (I have listened to WSM, as well as other 1-A clears, night after night in the National Hotel in Havana and Montego Bay, Jamaica). In addition, to WSM, WSB and WWL, 1-A's listed below could be increased to 750 KW which would provide skywave coverage over the areas shown on map #2:

WBAP-WFAA, Ft. Worth & Dallas - 820 KC (owned and operated by the Star Telegram and Dallas News)

WOAI, San Antonio - 1220 KC (owned and operated by the Southland Industries)

KFI, Los Angeles - 640 KC (owned and operated by Earle C. Anthony, Inc.)

There is a very great advantage in utilizing a number of stations for several reasons, the main one being that it is far more difficult for the Cubans to jam a number of high power stations than one or two stations of low power. The only other interference which might result on these channels would be from atmospheric noise which will be present at certain times of the year no matter what type radio coverage is used and interference from small stations in Central and South America which might be using our clear channels in the absence of a treaty. If the above listed stations are increased in power, the small stations undoubtedly will move to other channels because they cannot suffer the increased interference. It will be noted that a combination of stations shown on Maps 1 and 2 would do much to cover the entire Caribbean region, including Mexico. These maps only depict coverage at night. Stations listed could not be relied upon for any appreciable coverage in the daytime with the exceptions of KFI and WOAI in Mexico and perhaps WWL in Mexico, Yucatan and Cuba.

(3) Maps 3 and 4 show the result of our study of the coverage which will be afforded at night by the recently installed VOA transmitters in the Florida Keys. It is our feeling that these stations are essential for daytime coverage of Cuba and should be continued on that basis but it is apparent that their nighttime coverage is only a fraction of that desired because of the serious interference which they experience from the primary stations on the channels (WHO and WHAM). In making these studies we have used data from the FCC which was collected in connection with the North American Treaty Conference. The commercial stations in Miami, such as WGBS, will be of little value at night in Cuba because of the distance of Miami from the northern shore of that island and the interference which they will suffer from other stations on their regional and 1-B clear channels.



As you can see from maps 3 and 4, the VOA stations cover only the northern fringe of the North Cuban provinces and do nothing to afford coverage in the southern part of these provinces or to Pinar Del Rio and Oriente provinces.

John H. Schmitt

JHD:am

CLEAR CHANNEL

JOHN H. DEWITT, JR.  
PRESIDENT

650 KILOCYCLES

*Fili*

**WSM** ★

**WSM-TV**  
CHANNEL 4

INCORPORATED

CHANNEL 4

50,000 WATTS ★★ ★ NASHVILLE 3, TENNESSEE

M E M O R A N D U M

March 16, 1961

TO: MR. E. W. CRAIG

FROM: JOHN H. DEWITT, JR.

As you know, Red Dustin, Mr. Cal Swanson and Mr. Rufus Jarman have approached us with the idea of acting as liason between the clear channel group and the U.S. Department of Agriculture and other government agencies in an effort to show that the clear channels are essential to such agencies. John McDonald and I have had meetings with these gentlemen, in fact Mr. Swanson flew from New York and Mr. Jarman from Miami to meet with us in my office last week. Mr. Swanson prepared the attached letter to me after the last conference outlining their proposal. I told the group that I would present it to the Executive Committee of the clear channel group at the meeting on Monday, March 13th.

The idea and memo were presented to Ward Quaal and some of his staff. The conclusion was as follows: First, overall no one felt that the clear channel group could spend \$10,000 as a downpayment plus \$1,000 per month per station for this effort (our treasurer is worried about paying the law office in Washington \$14,000 which we have owed them since last Fall). Second, the group thought it was a bad practice to employ a public relations firm to court favor for the clear channel group with the government. It was felt that as individual stations we could be far more effective with direct contacts; for example, one of Ward Quaal's people is an intimate friend of the Secretary of Agriculture (the manager of their wholly owned station in Duluth). We have already had Mr. Freeman on our station several times through the good offices of John McDonald. Third, the group also felt that the Secretary of Agriculture or other government officials would not be willing to tie themselves up with one medium of communications. As a government official they would undoubtedly feel that they would have to offer the same information to all news media.

I have talked with Red Dustin today who says he is in complete agreement. He said further that he had no idea that Mr. Swanson had such large money figures in mind. In fact he said, "He should be working for the English government."

*JHD*

Mr. John H. DeWitt, Jr.  
WSM, Incorporated  
Nashville, Tennessee

Dear Mr. DeWitt:

Following our meeting in your office yesterday, Mr. Jarman, Mr. Dustin and I talked over the matters covered and the following should clear up any areas that might have seemed vague.

We propose to assist one or more of the clear channel stations to do a better job than has heretofore been possible to serve the public interest.

Recognizing that the new administration is more conscious of the need for a maximum understanding between the people and their government, we have had discussions with several appropriate Departments in Washington on matters pertaining to the cooperation between private enterprise and our government and as we have reported to you we have confirmed the fact that the Secretary of Agriculture would be pleased to entertain a proposal to the effect that he would do a regular broadcast on an interview basis for one or more of the clear channel stations. The broadcast to be addressed to the farm public, of course, and cover in essence the service which the Department has rendered to the farm public during the preceding week and insofar as practical open up in a better way than heretofore has been possible a two way line of communications between the farmer and his Secretary in Washington. These specific conversations with the USDA have been carried on on our side by our associate, Rufus Jarman, and the writer.

As you know, Rufus Jarman is one of the better known writers, as well as being something of a performer, and is well and favorably known to the Secretary, having become quite close with Mr. Freeman during his campaign in Minnesota. Mr. Jarman has some comments to make which he thinks may answer John McDonald's question, "In what way will this be different from what we are already doing?" Jarman answered as follows: "Radio and Television interviews have the advantage of presenting the interviewees voice and own image but almost always the disadvantage of so called "spontaniety" which means that the interview is useless, confusing, uncomprehensive, and terribly dull. I know a few reporters who are able to constantly ferret out in an interesting and comprehensive way as they labor over the handicaps of trying not to repeat themselves, using correct grammar, sounding intelligent, and not giving undue offense to some of the listeners. The interviewee often has a worse time because he has not had the air time experience of his tormentor. If a man has just returned from a successful trip to the moon, he can, of course, not hardly say anything which is not interesting but if he is discussing more mundane things he is likely to become dull and unintelligible even to persons desperately concerned when he undertakes to do a regular thing like a report on agriculture to farmers off the cuff. I will not labor the fact that on the record there are only a few consistently top interviewers in journalism in all media and that none of these, of which I happen to be one, works in the government of at the USDA. I believe it very important to emphasize that the same kind of writing talent and digging is contemplated here for these programs that has typified

my work for the Saturday Evening Post, the Readers Digest, and other leading magazines and newspapers. I believe that Orville Freeman understands this and this is a big part of the reason why I believe our joint production will compare so favorably with the usual conned hand-outs from Washington whether they be platters or press releases. As a matter of fact, I am sure the product of these broadcasts would become widely quoted because they will not only be news worthy and feature worthy but also because for the first time they will make really complicated essential parts of our government activity understandable to all. We would research the subject ahead of time, use the information that had the greatest impact, interest, humor, pathos or whatever. We would write a dummy program using this information eliminating redundancies, often said thoughts, rantings, and general inefficiency of the usual interviews and make something that would interest everybody. We would submit this to me, Freeman, allow him to formulate his answers to the various questions, insofar as his real feelings and his Department's about policy. Then we would include in the answer the lively information we had already unearthed.

These programs would be in series, perhaps one a week for perhaps 15 minutes a week by which Mr. Freeman would talk from a prepared script over the clear channel stations to the farmers.

The programs would be designed so that they would, over a period of time, produce an overall comprehensive answer to the long range and short range matters that perplex farmers and the nation. In other words, at the completion of the series it would have presented a complete picture of the situation that analyzes its causes, present condition and proposes what is being done to improve it. And it would be made interesting enough to cause the farmers and others to talk about it enthusiastically, and perhaps we could unearth programs of sufficient interest that other news media would fasten upon them, in somewhat the way the AP and the newspapers headline important information dredged from important people say over the air on Meet the Press, etc.

These programs might take the form of interviews. Perhaps an agricultural expert from each participating station, John McDonald for WSM, etc, would propose the questions on succeeding programs.

In this manner, we believe the clear channel stations could for the first time begin to give the people of the country, in this instance the farmers, a clear and comprehensive idea of what is going on in their profession.

The same thing could well be done for the Treasury Department. (We can explain, you know, in words that can be understood, the meaning of the gold fluctuations, etc.) Or the Labor Department, Defense Department, Commerce Department, etc. can all be handled in somewhat the manner of the above. The principal idea is to make it interesting, make it comprehensive, make it so people can comprehend the condition of our government, what the New Frontier is, how close we are to attaining it. In that way Clear Channel stations can render a vital service to the country. I do not believe that our system can survive much longer with the utter lack of knowledge that characterizes our voters."

All of this Mr. DeWitt from this fellow Jarman who just can't dedaw and I am sure you would agree.

I am assured that immediately this service to the Department of Agriculture and the farmers interest is commenced that the facilities of the Department that could be reasonably utilized will help beat the drum to assist the free channels in building maximum audience among the farm public, in addition

that not only the Secretary but also the President and your Senator would cooperate with the White House Publicity meeting to recognize the significance of this cooperation by the enlightened broadcasters. Surely the clear channels enjoy a very special and very important privilege over and above that accorded other stations. Surely the prime advantage that the public looks for in justification of same is the very special job they do in better serving and informing the more remote peoples - the farmers of our nation - in all matters including those of an especial professional nature. The government is in a very real sense the partner of the farmer and surely it is his due to know and to feel that he is close to what the partner is up to in serving his interest.

Although the troublesome Mr. Khrushchev found little else to praise in our land he did compliment our farmer who is at once the most productive, the most well informed and the most troublesome farmer of all times anywhere. Troublesome perhaps because unlike most farmers in history he is a free man, he has opinion, and views, and because he wants very much to be a part of what is going on. We are sure that the Clear Channels and the Secretary understand all of this and with the new administration and its untterrified approach to all the facets of government responsibilities including communications they will be deeply appreciative of the imagination, the professional know how and the deep sense of public responsibility which the clear channels will be expressing when they initiate the above described project. The maximum can be accomplished only if this project is in no sense political. I can assure you that we work in the matter with this understanding.

We can understand that you will propose this project in Chicago on Monday. In the beginning we suggest a down payment of \$10,000 to cover our time and "set-up expense". After the program gets underway, we suggest that a payment of \$1,000 a month per cooperating clear channel station be assessed with the understanding that at quarterly intervals all costs be reviewed and other arrangements be made as we know more. From actual operation based on our experience in working with a number of departments in Washington in four administrations, we believe what we are suggesting here may become a very significant matter to the future of government and broadcasting relations. We believe it is proper that the leaders, the clear channel stations, be the initiate and be the designers and architects of the means by which government and industry can better inform the people. We believe this is the place and the time to begin.

Sincerely,

Sage Cawell Swanson

DRAFT

Confidential

Dear \_\_\_\_\_:

Last year when the directorship of the Clear Channel Broadcasting Service became open due to the resignation of Hollis Sarvey, we prevailed upon Mr. Gayle Gupton, who is with the Third National Bank here in Nashville, to take a year's leave of absence to cover this position in order that the interests of our group might be properly protected. Mr. Gupton has done a fine job in what was considered a holding operation but he has now returned to Nashville as was expected.

Within the past year the Federal Communications Commission has voted twice on a possible decision with respect to our case which has been before them since February 20, 1945. The two alternatives considered by the Commission were to break down all channels or to break down half of them and preserve the other half for possible use with higher power. On both votes a deadlock was reached because Commissioner King did not take part in the consideration. I have been informed by Ward Quaal to the effect that the daytimers and other small operators are doing a good job of legwork in Washington. Ward has had conversations with Senator Dirksen who has warned him of the activity now afoot and has urged that we make counter moves by contacting our friends in the House and Senate from Clear Channel communities.

As you know, Mr. Kennedy has appointed Mr. Minow to the Chairmanship of the FCC. While Mr. Minow has had no experience with this agency, he will soon learn of the clear channel problem and it looks as if a decision might be reached sometime this year. It is my opinion, which is shared by Ward Quaal and Leonard Reinsch, that we should move with all speed to secure the services of a new director. No matter whom we employ it will take a certain amount of time to educate him in our field which is another reason for speedy action.

I shall greatly appreciate it if you will consider this matter and let me know your feelings with respect to it. If the consensus is that we should employ a new director at an early date, I shall call a meeting of the Executive Committee in order that applicants may be considered. If a recommendation is forthcoming from this meeting, it will be passed on to you before final arrangements are made.

It would seem to me a tragedy if, after all these years, the decision on the part of the Commission would be to break down the channels; for as we all know this would reduce greatly the service which is now provided by our stations to millions of people who do not otherwise have radio service.

Best wishes.

Sincerely yours,

D R A F T

CONFIDENTIAL

Dear :

Last year when the directorship of the Clear Channel Broadcasting Service became open due to the resignation of Hollis Seavey, we prevailed upon Mr. Gayle Gupton, who is with the Third National Bank here in Nashville, to take a year's leave of absence to cover this position in order that the interests of our group might be properly protected. Mr. Gupton has done a fine job in what was considered a holding operation but he has now returned to Nashville as was expected.

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**WGN** INC.

441 North Michigan Avenue · Chicago 11, Illinois · Telephone Michigan 2-7600

Channel **9** TELEVISION

RADIO 720 on your dial



Dec. 1-6-61

January 10, 1961

Mr. E. W. Craig, Chairman  
Clear Channel Broadcasting Service  
Y National Life and Accident Insurance Company  
Nashville 3, Tennessee

Dear Ed:

Just prior to the Christmas holidays, I spent quite a bit of time socially with my good friend of many years, Senator Everett M. Dirksen. We discussed, among other things, the clear channel situation which was very topical with him because of the strong position taken in behalf of the clear channel principle by the American Farm Bureau Federation and especially insofar as that organization is mindful of the job done by certain CCBS members.

Several times during the conversation Dirksen told me of the relentless "leg work" by the daytime stations and by small operators in general. He urges us to move and move fast with all possible contact with members of the House and Senate from clear channel communities.

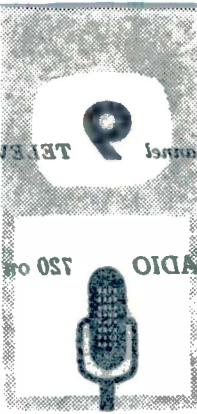
I should like to suggest respectfully, Ed, that you send a letter to each of our station principals urging them to contact by phone or by letter and with sufficient detail to be meaningful their representatives in the House and in the Senate. We must get our story across especially to the newer element now on the scene in the Nation's Capitol. There are times when I feel totally discouraged about our chances for higher power and I fear the worst. Yet, there is a ray of hope now and then if each of us puts his shoulder to the wheel to develop as much Capitol Hill strength as possible. I hope we can hold inviolate at least some of these very precious properties, a resource, the loss of which would be criminal indeed.

C  
O  
P  
Y



Channel 9 TELEVISION

RADIO 750 of your dial



WGN INC

441 North Michigan Avenue • Chicago 11, Illinois • Telephone Michigan 3-7600

Dia. 1-8-61

January 10, 1961

Mr. E. W. Craig, Chairman  
Clear Channel Broadcasting Services  
2 National Life and Accident Insurance Company  
Nashville 2, Tennessee

Dear Ed:

Just prior to the Christmas holidays, I spent quite a bit of time socially with my good friend of many years, Senator Everett M. Dixon. We discussed, among other things, the clear channel situation which was very topical with him because of the strong position taken in behalf of the clear channel principle by the American Farm Bureau Federation and especially insofar as that organization is mindful of the job done by certain CBS members.

Several times during the conversation Dixon told me of the relief- less "log work" by the daytime stations and by small operators in general. He urges us to move and have fast with all possible contact with members of the House and Senate from clear channel communities.

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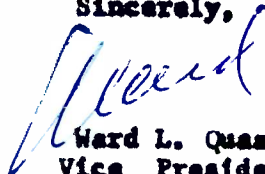
COPY

Mr. E. W. Craig  
January 10, 1961 -2-

Ed, in writing to you today, I should like to mention that I have received a number of applications for the job of CCBS director. I have acknowledged each of these with copies of my communication and the applications proper to Jack DeWitt and Harold Hough. In this regard, I feel that a meeting at the earliest possible date this month would be in order to discuss the names of those who are interested in replacing Gayle Gupton. It is urgent that we be represented on Capitol Hill before this new session of Congress advances much more.

Ed, all the very best for continued good health and much happiness in the New Year.

Sincerely,



Ward L. Quaal  
Vice President  
General Manager  
WGN, Inc.

WLQ/r

cc: Harold Hough  
John H. DeWitt  
Reed T. Rollo, Esq.

Mr. E. W. Craig  
January 10, 1961  
-2-

ed, in writing to you today, I should like to mention that I have received a number of applications for the job of OCEB director. I have acknowledged each of these with copies of my commutation and the application proper to Jack Dewitt and Harold Hough. In this regard, I feel that a meeting at the earliest possible date this month would be in order to discuss the names of those who are interested in replacing Gayle Gupen. It is urgent that we be represented on Capital Hill before this new session of Congress advances much more.

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Sincerely,  
*Ward L. Gann*  
Ward L. Gann  
Vice President  
General Manager  
WGM, Inc.

W-0/r

cc: Harold Hough  
John H. Dewitt  
Rud T. Rolie, Esq.



# From the Desk of

**BERNICE HASE**

Mr. DeWitt:

The enclosed article is for your info.

You remember, Mr. Loomis met with Mr. Gupton at the NAB convention last April on using WSM or WSB for programming into Cuba and from what I could gather from Mr. G, Loomis said that the WSB signal came in down there better than WSM and that WGMS was even better. He also said they would not make a move until Castro & Co. made theirs first.

I just thought this might be a pitch for higher power. I also heard Kennedy on a broadcast before election that not a single broadcast from the U.S. is being beamed into Cuba. If I read or hear anymore, I will pass it on to you.

*Bernice*

## AIRWAVES COMMUNICATION NEEDED NOW

# Cuba Is Not Getting U. S. Message

By DAVE REQUE

Is the U. S. getting its message thru to the ordinary Cuban man-in-the-street by radio?

The answer is no.

Now that diplomatic relations have been severed, entry of foreign publications into Cuba halted, and the island's press rigidly controlled by anti-Yankee dictator Castro, the need to communicate by the airwaves is urgent.

Nevertheless, the Voice of America, our Government's agency charged with presenting the United States' freedom story over the world's airwaves, says it is almost impossible for an American broadcast to be heard in Cuba, except on relatively scarce short wave sets.

There are six and a half million people in Cuba. There are 1.3 million radio sets. But only 10,000 of them can receive short wave.

## CLAIMS

However, Radio Swan, a new American-owned outfit broadcasting from Swan Island near Honduras and 400 miles from Cuba, claims it is being heard well in Castroland on ordinary, medium wave receivers. Radio Swan also transmits on short wave.

There has been a long-running disagreement on the technical practicality of trying to reach Cubans via ordinary sets. Our severing relations with the island promises to blow it up into a hot controversy.

Most ordinary sets in Cuba, as elsewhere, are medium wave, but the VOA broadcasts only on short wave.

Cuba, of course, receives the VOA's two hours of daily programming to Latin America.

In 13 countries, 125 stations make the VOA's broadcasts a part of their regular programming, rebroadcasting them on medium wave. But, of course, Castro won't allow this rebroadcasting in Cuba.

But Cuba is only 90 miles from Miami. Couldn't we shoot over a powerful medium wave that could easily be heard?

## QUESTIONS

Sen. Karl Mundt (R., S. D.) put this question to VOA Director Henry Loomis during appropriations hearings last June.

Mr. Loomis explained that there are 48 domestic stations in Cuba and that the medium wave band is packed.

"Our program would interfere with a Cuban program, but ours wouldn't be heard either," he said.

Sen. Mundt asked him if every effort had been made to find a way.

"We have been wracking our brains, but we can't come up with a way to do it," Mr. Loomis said.

The Swan Island transmitter, which went on the air in May, was built by A. D. Ring and Associates of Washington on a bit of deserted coral and sand off the coast of Honduras. Mr. Ring says flatly, "the medium-wave programs are being listened to in Cuba."

He denied reports that the transmitter used a new jam-proof method. "It's a conventional directional system with two towers. It gets thru simply by producing a stronger signal," Mr. Ring said.

The obvious question is, why should it be "impossible" to get thru from Miami, only 90 miles away, as Mr. Loomis says, and yet get thru from Swan Island, hundreds of miles further away, as Mr. Ring says?

## NO DATA

The Federal Communications Commission says it has no technical performance data on Swan Radio. It is not licensed by the FCC because ownership of the island is in dispute between the U. S. and Honduras.

The U. S. lags in fourth place in weekly hours of in-

ternational government broadcasting on a nation-by-nation basis. It is far behind the Communist bloc in broadcasts to Latin America. None of the Red programs are rebroadcast in medium-wave however.

Castro beams 30 minutes of his propaganda daily to Haiti, and two hours daily to "Cubans abroad."

Radio Moscow short-waves 38 and a half hours weekly to Latin America. From Radio Peiping comes 21 hours. Bulgaria, Czechoslovakia, Hungary and Yugoslavia combined send 44 hours.

## COMPARISON

The comparison on total international hours weekly is:

Moscow, 997; Red China, 687; United Arab Republic, 670; U. S., 618; and Britain, 600.

Therefore, facilities for anti-U. S. broadcasting from the two big communist powers total 1684 hours a week, plus the Arab's 670, making a total of 2354 hours a week. This does not include any of the broadcasting from the other Iron Curtain countries.

Against this, the United States puts up a total time of less than a third from the two Red powers alone.

Listings are supplied by stations, which often change them without notice, or too late for correction here.

WTTG

WMAL

WTOP

Channel 5

Channel 7

Channel 9

<p>Milt Grant Show Dance Party Dey With Captain Tugg</p>	<p>Rin Tin Tin Pick Temple's Giant Ranch</p>	<p>The Early Show "Tarzan's Revenge" Glenn Morris</p>
<p>Three Stooges Gas Rangers Western Adventurs</p>	<p>Lil Rascals Lil Rascals You Asked for It</p>	<p>Eleanor Holm Sports Time 6:30 Report Douglas Edwards, News</p>
<p>Assignment Underwater Hibernians Adnan Kennedy</p>	<p>7 O'Clock Final Matty's Funday Funnies</p>	<p>Copter Patrol Copter Patrol Rawhide Eric Fleming</p>
<p>Star Feature Holy Matrimony Monty Woolley</p>	<p>Harrigan &amp; Son The Finatones The Finatones</p>	<p>Clint Eastwood Rawhide Route 66 Martin Milner</p>
<p>Fracture Fields Star Feature "Manhunt" Victor Jory</p>	<p>77 Sunset Strip 77 Sunset Strip 77 Sunset Strip 77 Sunset Strip</p>	<p>George Maharis Route 66 The Garlund Touch</p>
<p>Midway International Klenzie's Raiders</p>	<p>Detectives Robert Taylor The Law and Mr. Jones</p>	<p>Twilight Zone Thomas Gomez Eyewitness to History</p>
<p>Night Theater Crossfire Robert Mitchum Robert Young</p>	<p>11 O'Clock Final Movie "Made For Each Other"</p>	<p>11 P. M. Report The Late Show "The Virginian" Gary Cooper</p>

Television Programs

5:00, Classroom-3  
6:00, Ranger Hat,  
Modern Farmer;  
5:00, Stage Coach Theater; 9:00, Bozo Show, with  
Cousin Cupcake (C.)  
WTTG-8:30, Today in Our Life; 8:55, Newsbeat; 9:15,  
Public Service Forum; 9:30, Cartoon Klub.

<p>Gun Playhouse Wild Bill Elliott Lurida Hilton Q. Ford</p>	<p>Passport to Danger Passport to Danger Glencannon Glencannon</p>	<p>Captain Kangaroo Captain Kangaroo Captain Kangaroo Captain Kangaroo</p>
<p>Adventure Johnny Angel George Raft Maire Trevor</p>	<p>Movie "It Could Happen to You" Stu Erwin</p>	<p>The Magic Land of Alkazar The Roy Rogers Show</p>
<p>Big Adventure The Big Picture Army Film</p>	<p>Lunch With Soupy Sales Pip the Piper Pip the Piper</p>	<p>Sky King Sky King City Side City Side</p>
<p>Big Movie Hilton Q. Ford, Host "The Window" Lobby Driscoll</p>	<p>Comedy Capers Tom Willette Silent Service</p>	<p>Saturday Matinee "Nick Carter, Master Detective" Walker Pidgeon</p>
<p>Barbara Hale Vic News Orway</p>	<p>Championship College Basketball: Georgia Tech</p>	<p>National Football League Playoff Cleveland Vs.</p>

No. 8 at 21!

LYONS, France, Jan. 6 (UPI)—Michele Montet, who has borne eight children in seven years of marriage, celebrated her 21st birthday today.

Mme. Montet and her husband, a truck driver, have five-year-old twin boys, two-year-old twins, a three-year-old daughter and a month-old daughter. Two of their children died.

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may be applied to purchase.  
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TO BUY—  
**5119**  
**SALES**  
ST., N.E.

NOT AT GIANT SALES!  
**BUY TV!**

*Mr. Reynolds*



# CLEAR CHANNEL BROADCASTING SERVICE

## Your Attention Please!

January 12, 1961

### MEMORANDUM TO GENERAL MANAGERS AND CHIEF ENGINEERS

#### Pre-Sunrise Operations

As you know, Rule 3.87 authorizes daytime stations on U. S. I-A Clear Channel Frequencies and certain other frequencies to commence operation, without prior authority, at 4:00 a. m. local standard time regardless of the time of local sunrise. However, such pre-sunrise operation must cease upon receipt of notice from the Commission that "undue interference" is being caused to the dominant station.

Enclosed for your information is a copy of the Commission's most recent interpretation of the "undue interference" provision of the rule (Reese Broadcasting Corp. 20 R. R. 1136, December 29, 1960).

The Commission's decision states that it will order a daytimer to cease pre-sunrise operation if objectionable interference, based on the second hour after sunset curves, is caused to the nighttime protected service area of the dominant station provided the dominant station files a complaint containing (1) a showing that the dominant station operates during the pre-sunrise hours in question, (2) a verified showing of pre-sunrise interference, and (3) a request that the daytimer be required to cease pre-sunrise operation.

The Commission refused to grant the daytimer involved in the enclosed decision a hearing on the question whether objectionable interference was in fact being caused during the pre-sunrise hours. The daytimer concerned (WCBG, Chambersburg, Pa., operating on a regional frequency) is expected to file an appeal in the near future.

Reed T. Rollo  
R. Russell Eagan

Enc.

FEDERAL COMMUNICATIONS COMMISSION  
Washington 25, D. C.

FCC 60-1547  
98022.

In the Matter of )  
 )  
REESE B/CASTING CORP. (WCBG) )  
Chambersburg, Pennsylvania )  
 )  
Petitions for Temporary Relief and )  
Hearing Looking Toward )  
Continued Operation )  
Prior to Local Sunrise )

Par. 10:316, Par. 25:9, Par. 53:87, Par. 53:190 Right to hearing before termination of authority for pre-sunrise operation.\*

A daytime-only station which has been operating before local sunrise under § 3.87 of the Rules is not entitled to a hearing in connection with a Commission notification requiring it to terminate pre-sunrise operation because of "undue interference" to a full-time station operating on the same frequency. By the terms of the rule, a daytime-only station may operate before local sunrise only if undue interference is not caused to stations entitled to full-time use of the frequency. The existing of actual interference is determined by the Commission on the basis of the skywave propagation curves contained in Figure 2 of § 3.190. While a complaining station must submit a verified showing of actual interference, this is used only to establish that the station is operating during pre-sunrise hours and to afford a preliminary indication of the source of the alleged interference. Figure 2 is appropriate for use in determining nighttime interference during any hour in any month. Any challenge to Figure 2 should be presented in a rule making proceeding.

MEMORANDUM OPINION AND ORDER

By the Commission: (Chairman Ford dissenting and issuing a statement).

1. The Commission has before it a "Petition for Temporary Relief" and "Petition for Hearing" filed December 9, 1960 directed against our telegram of December 2, 1960 notifying Radio Station WCBG of undue interference to Radio Station WAKR and that WCBG's pre-sunrise operation must be terminated after December 12 pursuant to § 3.87(b) of our Rules. This action was taken after receipt by the Commission of a verified complaint from WAKR that nighttime interference was being caused within its protected nighttime service area by the operation of WCBG with its daytime facilities. WCBG is a 5 kilowatt standard broadcast station licensed to operate on the frequency 1590 kilocycles during daytime hours only (i.e., local sunrise to local sunset). WAKR operates with the same power and on the same frequency, and is licensed to operate nighttime hours with a directional antenna system affording interference protection to certain other unlimited time stations on this frequency,

\* Headnote taken from 20 Pike and Fischer R. R. 1136



2. It is noted that WCEB's pleading entitled "Petition for Temporary Relief" is in the nature of a request for stay "until such time as the Commission formally acts on the petition [for hearing] filed December 9, 1960." Said petition was, in effect, granted by further telegram of December 12, wherein the December 12 deadline was extended through December 22 to enable the Commission to pass on the merits of WCEB's companion "Petition for Hearing." Accordingly, the "Petition for Temporary Relief" has been rendered moot.

3. In support of the instant "Petition for Hearing," WCEB alleges that for the past three years it has commenced operation prior to local sunrise pursuant to § 3.87 of our Rules; that it currently signs on at 5:00 a.m.; that a large agricultural area within the Cumberland Valley has come to rely on the station's early morning schedule; that such operation is also essential to the reporting of early morning school information, weather, road conditions, and civil defense alerts; that the only other standard broadcast station at Chambersburg (WCHA) is prevented from rendering early morning service because it operates on a Mexican clear channel; that WAKR's claim of undue interference is conclusory and unsupported by probative engineering data; and that "summary termination" of its pre-sunrise operation would result in irreparable injury to the station and to the public. Said petition is accompanied by affidavits executed by the station's general manager, school and police officials, agricultural agents, and by a radio consultant who challenges the manner in which the "actual" interference was determined by WAKR.

4. The narrow question presented by the instant "Petition for Hearing" is whether under the circumstances here obtaining, WCEB is entitled to a hearing to test WAKR's claim of objectionable interference. In taking the position that a hearing is a necessary condition precedent to the termination of its pre-sunrise operation, WCEB attempts to distinguish the instant situation from *Music Broadcasting Company v. FCC*, 217 F.(2d) 339, 11 Pike & Fischer RR 2025 (1954), wherein our termination without prior hearing of Radio Station WGRD's early morning service was sustained by the U.S. Court of Appeals, D. C. Circuit. Specifically, WCEB relies on the fact that in the WCRD case there was no showing of irreparable injury. Nor was the existence of objectionable interference there disputed. However, we do not feel that these distinctions are controlling.

5. Section 3.87 of our Rules provides, on a permissive basis, for operation between 4:00 a.m. local standard time and local sunrise by certain standard broadcast stations with their authorized daytime facilities, provided that "any station operating during such hours receiving notice from the Commission that undue interference is caused shall refrain from such operation during such hours pending further notice from the Commission." Hence, a Class III unlimited time station, such as WAKR, is entitled to protection of its nighttime primary service area during the period from 4:00 a.m. local standard time to local sunrise or during such portions of that period as the protected station elects to operate. The term "undue interference" as used in § 3.87 has consistently been interpreted to mean "objectionable interference" as explicitly defined in § 3.182 and elsewhere in the Rules, coupled with a complaint of actual nighttime interference to a licensed operation indicated as emanating from a particular station using its daytime facilities during the pre-sunrise hours.

6. Our long standing method for dealing with pre-sunrise interference complaints may be summarized as follows: the complaint must be accompanied by a verified showing of actual interference within the complainant's protected nighttime service area. This requirement serves only to establish that the complaining station, which is licensed to operate during the pre-sunrise hours, is itself operating during such hours, and to afford a preliminary indication of the source of the alleged interference complained of. We then determine, using the skywave propagation curves contained in Figure 2, § 3.190 of the Rules, whether the alleged interference is indicated. If so, the offending station is routinely notified that its conflicting pre-sunrise operation must be discontinued. It is emphasized that in making the finding of undue interference we are guided exclusively by Figure 2, and that this finding is not influenced by the particular methods of techniques employed by the complainant in determining actual interference.

7. The essential holding of *Music Broadcasting Company v. FCC*, supra, is that the pre-sunrise operating privilege conferred by § 3.87 of the Rules is only conditional, and that its termination by the Commission in accordance with the rule does not constitute a modification of license entitling the affected station to an evidentiary hearing as a matter of statutory right. The court observed that a right to a hearing on the limited issue of whether the pre-sunrise operation involved actually caused objectionable interference "seems implicit" in § 3.87, since the rule provides that a station notified that it is causing objectionable interference must cease operation "pending further notice from the Commission." The appellant before it, however, conceded that it caused objectionable interference and sought the broader hearing required prior to modification of license under Section 316 of the Act. The court held that it had no right to such a hearing.

Petitioner argues that it is entitled to the limited hearing of which the court spoke in *Music*, since it disputes the contention that it causes objectionable interference to WAKR. We disagree. Despite the weight which we must and do accord to the court's language, we note that the question of whether a right to a limited hearing on the question of objectionable interference is implicit in § 3.87 was not squarely before the court in *Music* and that the court's observations on the subject were made in the course of distinguishing that question from the one it decided. We also note that the rule's provision for cessation of pre-sunrise operation "pending further notice from the Commission" is not intended to confer any hearing rights, but rather refers to the possibility of further notice from the Commission that pre-sunrise operation may be resumed for a reason such as the fact that the protected station is no longer operating during those hours. Moreover, and most important, we do not believe that there is any issue of fact presented which might be tried in such a hearing.

8. In this case, as in other cases, notice was given only after we made engineering calculations based on Figure 2 of § 3.190 and determined that WCEG's pre-sunrise operation causes objectionable interference to the protected service of WAKR. 1/ Petitioner does not challenge the accuracy of

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1/ As we have noted, our determination that undue interference exists is in no way influenced by the showing of actual interference which WAKR has submitted, that showing being required only to set subsequent proceedings

Footnote continued on following page.

such computations or claim that the computations made in accordance with the rule do not show that objectionable interference exists. It argues rather that reliance on the rule is misplaced because Figure 2 is based on sky-wave propagation for the second hour after sunset and represents an average of 10 per cent of the time. The criteria set forth in § 3.185 of the Rules for determining objectionable interference during the pre-sunrise hours were discussed at length in supplementary proceedings involving the application of Music Broadcasting for authority to operate during specified hours prior to local sunrise (see 15 Pike & Fischer R.R. 547, 550-551). As we there stated, since "signal transmission characteristics vary constantly from minute to minute, hour to hour, day to day, month to month, and year to year, it is utterly impractical, if not impossible, to take into consideration the situation for each particular minute, hour, day, week, month or year in determining how two or more stations may operate" (15 R.R. at 551). The Rules define objectionable interference precisely and prescribe an exact method for its determination. The fact that they are based upon long range probabilities and the consequent improbability of their defining the precise condition of any given minute, hour, day or year does not detract from their reliability and precision or alter the fact that they are the best available tool for our purposes.

9. Figure 2 is based on measurements accumulated over a considerable period of time and represents the most accurate data available today. As we stated in Music Broadcasting, supra, Figure 2 is to be used to indicate objectionable interference during nighttime hours for any hour in any month in any year. Nothing urged by petitioner indicates that the standard should not be applied here. It would appear that WCBG's basic argument is with the validity of the Rules and that the proper course under these circumstances is to seek amendment of the Rules by the prescribed procedures, thus permitting comment by all interested parties. We feel that this is the only appropriate manner in which such a challenge can be asserted. Therefore, since Figure 2 is the controlling standard here, no issue of fact is presented for hearing.

10. Further, the fact that the Commission in the Music case itself voluntarily offered an "evidentiary hearing on any issues of fact or an oral argument on any issues of law or policy" is no basis for concluding that we should exercise our discretion to grant a hearing or oral argument in the instant situation. The basic reason for the offer there was simply that WCRD was arguing that its license was being modified unlawfully, and the Commission was of the view that a hearing, at least to the extent of an oral argument was indicated on that question. However, in light of the court's subsequent holding in that case, it is

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1/ Footnote continued from preceding page7.

in motion. Hence, petitioner's attack upon the reliability and validity of the WAKR showing is immaterial and raises no question appropriate for hearing.

clear that no question of modification of WCEG's license here exists, and that, therefore, in the absence of any other factual issue, a hearing or even oral argument would serve no useful purpose. Nor do we think that the administrative burden of entertaining challenges to Figure 2 in individual proceedings is warranted in view of the number of stations involved 2/ the absence of license rights and the availability of other procedures for challenging the Rule.

11. We have considered WCEG's allegations of irreparable injury, but in view of our determination that a hearing in this situation is neither required nor warranted, we find that such allegations are not relevant to the issue before us. In requesting the type of hearing it does, WCEG is in effect asserting license rights under Section 316 of the Communications Act and Section 9(b) of the Administrative Procedure Act which it does not have, since its operation is not an unqualified one, but is clearly and specifically conditioned against interference to unlimited time stations. The action which WCEG here seeks to vacate merely requires that the station be operated within the terms and conditions of its outstanding license. Indeed to countenance WCEG's pre-sunrise operation would work the very type of modification of WAKR's license that the courts have heretofore deemed unacceptable. *Federal Communications Commission v. NBC (KOA)*, 319 U.S. 239; *L. B. Wilson v. Federal Communications Commission*, 170 F. (2d) 793 [4 RR 2001] (C.A.D.C.) WCEG could, of course, obtain an evidentiary hearing by filing a formal application for modification of its license to include regular nighttime operation. At such a hearing, evidence could be adduced in the conventional manner with a view to determining whether the need for WAKR's nighttime service, which would be lost by reason of WCEG's pre-sunrise operation, would be outweighed comparatively by the need for a new nighttime service at Chambersburg. However, no such application has been tendered by WCEG.

12. For the reasons indicated, it is ordered, that the instant "Petition for Temporary Relief" is hereby dismissed as moot. It is further ordered, that the companion "Petition for Hearing" is hereby denied: Provided, however, that authority is granted to WCEG to operate during pre-sunrise hours through January 4, 1961 to permit the orderly termination of such operations.

Adopted: December 21, 1960  
Released: December 29, 1960

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2/ It must be observed that under the Rules and Technical Standards now in force, the majority of standard broadcast stations in the United States are required to leave the air, operate with reduced power and/or with directional antenna systems during nighttime hours in order to limit an otherwise chaotic skywave interference problem. More than 2000 "daytime only" stations are currently licensed by the Commission, many of which render or are capable of rendering a needed program service in the sense claimed by WCEG. In accordance with § 3.87 of the Rules, many of these stations have been precluded from engaging in pre-sunrise operation.

DISSENTING STATEMENT OF CHAIRMAN FREDERICK W. FORD

I believe ~~that~~ station WCEG is entitled to be heard before being required to abandon permanently the ~~pro-surprise operation~~ it has maintained for three years. While the Commission indicates that a hearing would be held should WCEG apply for a modification of license, I would favor a hearing at this time in view of the allegations raised in the station's Petition for Hearing.



from JACK DEWITT

*Mr E. W. Craig*

**STEVENSON, RIFKIND & WIRTZ**

135 SOUTH LA SALLE STREET

CHICAGO 3, ILLINOIS

TELEPHONE FINANCIAL 6 5180

ADLAI E. STEVENSON  
SIMON H. RIFKIND  
W. WILLARD WIRTZ  
WILLIAM MCC. BLAIR, JR.  
NEWTON N. MINOW  
JOHN W. HUNT  
EDWARD D. McDOUGAL, JR.  
COUNSEL

IN NEW YORK  
PAUL, WEISS, RIFKIND, WHARTON & GARRISON  
575 MADISON AVENUE

IN WASHINGTON, D. C.  
STEVENSON, PAUL, RIFKIND, WHARTON & GARRISON  
1614 EYE STREET, N. W.

January 16, 1961

Mr. Ward L. Quaal, Vice President  
WGN Inc.  
441 North Michigan Avenue  
Chicago 11, Illinois

Dear Mr. Quaal:

I am leaving for Washington, to be gone about a week, and am writing in haste to thank you for your very kind letter. I would certainly appreciate an opportunity to visit WGN, and of course I look forward to making your acquaintance. I am afraid, however, that I shall have to defer that pleasure until after I am settled in my job in Washington, when no doubt I shall be coming to Chicago from time to time. During the next few weeks, I shall be overwhelmed with the problems of liquidating my law practice at short notice, and I don't see how I can fit in anything else.

With warm thanks for your thoughtfulness, I am

Sincerely,

*Newton N. Minow*  
Newton N. Minow

January 12, 1961

The Honorable Newton Minow  
Stevenson, Rifkind and Wirtz  
133 South La Salle Street  
Chicago, Illinois

Dear Mr. Minow:

Heartly congratulations on your appointment by President-Elect Kennedy as Chairman of the Federal Communications Commission.

I regret that I have never had the pleasure of meeting you, but we do have some mutual acquaintances who have indicated to me through their fine regard for you that you are especially well equipped for this challenging assignment of this, the most critical period in the history of this key executive agency.

I hope to have the pleasure of a visit with you, even for ten minutes time, prior to your leaving for Washington. What I would prefer to do, of course, is have you tour our mammoth new structure on Chicago's north side and then have a luncheon visit with you. To demonstrate our faith in Chicago as a broadcasting center and to give further illustration of our desire to bring an improved radio and television service to the people of Chicago, we have completed 104,500 square feet structure which is without a doubt the finest in our industry. If we did not plan a great amount of local live activity for both radio and television, we would not need this space. Even with the great amount of live program fare we now offer, we feel we should and must do more and the new facilities will give us this opportunity at once.

I will call your secretary on Friday, the 13th, to see if there is a possibility of a luncheon visit, or even a few minutes with you some other time if your schedule permits.



The Honorable Newton Minow  
January 12, 1961

-2-

All good wishes.

Sincerely,

Ward L. Quaal  
Vice President  
General Manager  
WGN, Inc.

WLQ/r

Cc: Jack DeWitt

January 18, 1961

C  
O  
P  
Y

Mr. Ward L. Quaal  
Vice President and General Manager  
WGN, Incorporated  
Chicago, Illinois

Dear Ward:

I have read with genuine interest your letter of January 10 and I agree with every conclusion you have reached. My letter on the subject will go out within the next few days to every member of our group and I hope it will do the job you anticipate.

Jack DeWitt has had an extremely promising conversation with Leonard Reinsch. It is most fortunate because I don't know of any man who is in a better position to really help than is Leonard. I was delighted to have Jack's report that he was vitally interested and determined to use his full weight.

I can't close this letter without thanking you for your tireless efforts on our behalf. I think we both feel a deep dedication to this cause which would probably prompt our best efforts even if we were not so intimately involved.

With all possible good wishes and kindest personal regards, I am

Sincerely yours,

Edwin W. Craig

THE WASHINGTON POST

Jan. 28, 1961

'VOICE' PLANNING PORTABLE  
RADIO

PINEHURST, N.C., Jan. 27 (AP) -- Plans for a movable super power radio station that can be set up in a month at any world crisis spot were announced today by Henry Loomis, director of the Voice of America.

In a speech to a North Carolina Dairy Products Association convention, Loomis said he plans to ask Congress for \$1,859,000 for the portable facilities.

January 18, 1961

CONFIDENTIAL

Mr. Richard Shepard  
Station WHAM  
Rochester, New York

Dear Dick:

Last year when the directorship of the Clear Channel Broadcasting Service became open due to the resignation of Hollis Seavey, we prevailed upon Mr. Gayle Gupton, who is with the Third National Bank here in Nashville, to take a year's leave of absence to cover this position in order that the interests of our group might be properly protected. Mr. Gupton has done a fine job in what was considered a holding operation but he has now returned to Nashville as was expected.

Within the past year the Federal Communications Commission has voted twice on a possible decision with respect to our case which has been before them since February 20, 1945. The two alternatives considered by the Commission were to break down all channels or to break down half of them and preserve the other half for possible use with higher power. On both votes a deadlock was reached because Commissioner King did not take part in the consideration. I have been informed by Ward Quaal to the effect that daytimers and other small operators are doing an effective job of legwork in Washington. Ward has had conversations with Senator Dirksen who has warned him of the activity now afoot and has urged that we make counter moves by contacting our friends in the House and Senate from Clear Channel communities.

As you know, Mr. Kennedy has appointed Mr. Minow to the Chairmanship of the FCC. While Mr. Minow has had no experience with this agency, he will soon learn of the clear channel problem and it looks as if a decision might be reached sometime this year. It is my opinion, which is shared by Ward Quaal and Leonard Reinsch, that we should move with all speed to secure the services of a new director. No matter whom we employ, it will take a certain amount of time to educate him in our field which is another reason for speedy action.

Mr. Richard Shepard

-2-

January 18, 1961

I shall greatly appreciate it if you will consider this matter and let me know your feelings with respect to it. If the consensus is that we should employ a new director at an early date, I shall call a meeting of the Executive Committee in order that applicants may be considered. If a recommendation is forthcoming from this meeting, it will be passed on to you before final arrangements are made.

It would seem to me a tragedy if, after all these years, the decision on the part of the Commission would be to break down the channels; for as we all know this would reduce greatly the service which is now provided by our stations to millions of people who do not otherwise have radio service.

With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

EWCrab

January 18, 1961

CONFIDENTIAL

Mr. James Moroney, Jr.  
Station WFAA  
Dallas, Texas

Dear Jim:

Last year when the directorship of the Clear Channel Broadcasting Service became open due to the resignation of Hollis Seavey, we prevailed upon Mr. Gayle Gupton, who is with the Third National Bank here in Nashville, to take a year's leave of absence to cover this position in order that the interests of our group might be properly protected. Mr. Gupton has done a fine job in what was considered a holding operation but he has now returned to Nashville as was expected.

Within the past year the Federal Communications Commission has voted twice on a possible decision with respect to our case which has been before them since February 20, 1945. The two alternatives considered by the Commission were to break down all channels or to break down half of them and preserve the other half for possible use with higher power. On both votes a deadlock was reached because Commissioner King did not take part in the consideration. I have been informed by Ward Quaal to the effect that daytimers and other small operators are doing an effective job of legwork in Washington. Ward has had conversations with Senator Dirksen who has warned him of the activity now afoot and has urged that we make counter moves by contacting our friends in the House and Senate from Clear Channel communities.

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Mr. James Moroney, Jr.

-2-

January 18, 1961

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With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

ENC:ab

January 18, 1961

CONFIDENTIAL

Mr. Ralph Evans  
Station WOC  
Davenport, Iowa

Dear Ralph:

Last year when the directorship of the Clear Channel Broadcasting Service became open due to the resignation of Hollis Seavey, we prevailed upon Mr. Gayle Gupton, who is with the Third National Bank here in Nashville, to take a year's leave of absence to cover this position in order that the interests of our group might be properly protected. Mr. Gupton has done a fine job in what was considered a holding operation but he has now returned to Nashville as was expected.

Within the past year the Federal Communications Commission has voted twice on a possible decision with respect to our case which has been before them since February 20, 1945. The two alternatives considered by the Commission were to break down all channels or to break down half of them and preserve the other half for possible use with higher power. On both votes a deadlock was reached because Commissioner King did not take part in the consideration. I have been informed by Ward Quaal to the effect that daytimers and other small operators are doing an effective job of legwork in Washington. Ward has had conversations with Senator Dirksen who has warned him of the activity now afoot and has urged that we make counter moves by contacting our friends in the House and Senate from Clear Channel communities.

As you know, Mr. Kennedy has appointed Mr. Minow to the Chairmanship of the FCC. While Mr. Minow has had no experience with this agency, he will soon learn of the clear channel problem and it looks as if a decision might be reached sometime this year. It is my opinion, which is shared by Ward Quaal and Leonard Reinsch, that we should move with all speed to secure the services of a new director. No matter whom we employ, it will take a certain amount of time to educate him in our field which is another reason for speedy action.



Mr. Ralph Evans

-2-

January 18, 1961

I shall greatly appreciate it if you will consider this matter. Let me know your feelings with respect to it. If the consensus is that we should employ a new director at an early date, I shall call a meeting of the Executive Committee in order that applicants may be considered. If a recommendation is forthcoming from this meeting, it will be passed on to you before final arrangements are made.

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With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

EWG:ab

January 18, 1961

CONFIDENTIAL

Mr. Paul Loyet  
Station WHO  
1100 Walnut Street  
Des Moines, Iowa

Dear Paul:

Last year when the directorship of the Clear Channel Broadcasting Service became open due to the resignation of Hollis Seavey, we prevailed upon Mr. Gayle Cupton, who is with the Third National Bank here in Nashville, to take a year's leave of absence to cover this position in order that the interests of our group might be properly protected. Mr. Cupton has done a fine job in what was considered a holding operation but he has now returned to Nashville as was expected.

Within the past year the Federal Communications Commission has voted twice on a possible decision with respect to our case which has been before them since February 20, 1945. The two alternatives considered by the Commission were to break down all channels or to break down half of them and preserve the other half for possible use with higher power. On both votes a deadlock was reached because Commissioner King did not take part in the consideration. I have been informed by Ward Quaal to the effect that daytimers and other small operators are doing an effective job of legwork in Washington. Ward has had conversations with Senator Dirksen who has warned him of the activity now afoot and has urged that we make counter moves by contacting our friends in the House and Senate from Clear Channel communities.

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Mr. Paul Loyet

-2-

January 18, 1961

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With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

EWG:ab

January 18, 1961

CONFIDENTIAL

Mr. George Wagner  
Station KFI  
141 North Vermont Avenue  
Los Angeles, California

Dear George:

Last year when the directorship of the Clear Channel Broadcasting Service became open due to the resignation of Hollis Seavey, we prevailed upon Mr. Gayle Gupton, who is with the Third National Bank here in Nashville, to take a year's leave of absence to cover this position in order that the interests of our group might be properly protected. Mr. Gupton has done a fine job in what was considered a holding operation but he has now returned to Nashville as was expected.

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Mr. George Wagner

-2-

January 18, 1961

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With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

HC:ab

January 18, 1961

CONFIDENTIAL

Mr. Victor Sholis  
Station WHAS  
Louisville, Kentucky

Dear Vic:

Last year when the directorship of the Clear Channel Broadcasting Service became open due to the resignation of Hollis Seavey, we prevailed upon Mr. Gayle Gupton, who is with the Third National Bank here in Nashville, to take a year's leave of absence to cover this position in order that the interests of our group might be properly protected. Mr. Gupton had done a fine job in what was considered a holding operation but he has now returned to Nashville as was expected.

Within the past year the Federal Communications Commission has voted twice on a possible decision with respect to our case which has been before them since February 20, 1945. The two alternatives considered by the Commission were to break down all channels or to break down half of them and preserve the other half for possible use with higher power. On both votes a deadlock was reached because Commissioner King did not take part in the consideration. I have been informed by Ward Quaal to the effect that daytimers and other small operators are doing an effective job of legwork in Washington. Ward has had conversations with Senator Dirksen who has warned him of the activity now afoot and has urged that we make counter moves by contacting our friends in the House and Senate from Clear Channel communities.

As you know, Mr. Kennedy has appointed Mr. Minow to the Chairmanship of the FCC. While Mr. Minow has had no experience with this agency, he will soon learn of the clear channel problem and it looks as if a decision might be reached sometime this year. It is my opinion, which is shared by Ward Quaal and Leonard Reinsch, that we should move with all speed to secure the services of a new director. No matter whom we employ, it will take a certain amount of time to educate him in our field which is another reason for speedy action.

Mr. Victor Sholis

-2-

January 18, 1961

I shall greatly appreciate it if you will consider this matter let me know your feelings with respect to it. If the consensus is that we should employ a new director at an early date, I shall call a meeting of the Executive Committee in order that applicants may be considered. If a recommendation is forthcoming from this meeting, it will be passed on to you before final arrangements are made.

It would seem to me a tragedy if, after all these years, the decision on the part of the Commission would be to break down the channels; for as we all know this would reduce greatly the service which is now provided by our stations to millions of people who do not otherwise have radio service.

With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

FWC:sab

January 18, 1961

CONFIDENTIAL

Mr. Worth Kramer  
Station WJR  
2200 Fisher Building  
Detroit, Michigan

Dear Worth:

Last year when the directorship of the Clear Channel Broadcasting Service became open due to the resignation of Hollis Seavey, we prevailed upon Mr. Gayle Gupton, who is with the Third National Bank here in Nashville, to take a year's leave of absence to cover this position in order that the interests of our group might be properly protected. Mr. Gupton has done a fine job in what was considered a holding operation but he has now returned to Nashville as was expected.

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Sincerely,

Edwin W. Craig

EWC:ab

January 18, 1961

CONFIDENTIAL

Mr. John Patt  
Station WJR  
2200 Fisher Building  
Detroit, Michigan

Dear John:

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Sincerely,

Edwin W. Craig

EWG:ab

January 18, 1961

CONFIDENTIAL

Mr. James M. Gaines  
Station WAI  
San Antonio, Texas

Dear Jim:

Last year when the directorship of the Clear Channel Broadcasting Service became open due to the resignation of Hollis Seavey, we prevailed upon Mr. Gayle Gupton, who is with the Third National Bank here in Nashville, to take a year's leave of absence to cover this position in order that the interests of our group might be properly protected. Mr. Gupton has done a fine job in what was considered a holding operation but he has now returned to Nashville as was expected.

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Sincerely,

Edwin W. Craig

EWG:ab

January 18, 1961

CONFIDENTIAL

Mr. Frank Gaither  
Station WSB  
1601 West Peachtree Street  
Atlanta, Georgia

Dear Frank:

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Sincerely,

Edwin W. Craig

EEC:ab

January 18, 1961

CONFIDENTIAL

Mr. Ward Quaal  
Station WGN  
111 North Michigan Avenue  
Chicago, Illinois

Dear Ward:

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Mr. Ward Quaal

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Sincerely,

Edwin W. Craig

EW:tab

January 18, 1961

Mr. Harold Hough  
Station WBAP  
Fort Worth, Texas

Dear Harold:

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Edwin W. Craig

FWC:ab

**THE NATIONAL LIFE AND ACCIDENT INSURANCE COMPANY**  
NATIONAL BUILDING  
NASHVILLE 3, TENNESSEE

**EDWIN W. CRAIG**  
CHAIRMAN OF THE BOARD

**THE NATIONAL LIFE AND ACCIDENT INSURANCE COMPANY**

D R A F T

Confidential

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With Best wishes, and kindest personal regards

Sincerely yours,



# CLEAR CHANNEL BROADCASTING SERVICE

## Your Attention Please!

### MINUTES OF MEETING OF CLEAR CHANNEL BROADCASTING SERVICE MONDAY, OCTOBER 29, 1956

CONFIDENTIAL

CONFIDENTIAL

Pursuant to notice, the members of the Clear Channel Broadcasting Service met at the Drake Hotel in Chicago, Illinois on Monday, October 29, 1956 at 10 a.m. Chairman Edwin W. Craig presided and R. Russell Eagan served as acting secretary.

The following representatives of member stations were present:

<u>KFI</u>	H. L. Blatterman	<u>WHO</u>	Ralph Evans Paul A. Loyet,* Clair L. Stout
<del><u>WCAU</u></del>	<del>John L. Leitch</del>		
<u>WFAA</u>	Alex Keese James W. Cooper	<u>WJR</u>	John F. Patt
<u>WGN</u>	Ward L. Quaal Carl J. Meyers Bruce Dennis	<u>WLW</u>	R. J. Rockwell
<u>WHAM</u>	John S. Riggs	<u>WOAI</u>	Corwin R. Lockwood**
<u>WHAS</u>	Victor A. Sholis	<u>WSB</u>	John Outler, Jr.
		<u>WSM</u>	Edwin W. Craig John H. DeWitt, Jr.
	<u>WWL</u>	Rev. A. B. Goodspeed W. H. Summerville	

\* Also represented WSB

\*\* Also represented WHAM and WLW.

Also present were Hollis M. Seavey, Director of Clear Channel Broadcasting Service, and Reed T. Rollo and R. Russell Eagan of Kirkland, Fleming, Green, Martin & Ellis, CCBES legal counsel.

Upon motion duly made, seconded and approved, the reading of the minutes of the previous meeting held in Chicago on April 16, 1956 was dispensed with and the minutes were approved.

Chairman Craig advised the members that later in the meeting he would call for nominations and an election with respect to the vacancy in the Executive Committee (at the April 16, 1956 meeting, the following were re-elected: Messrs. Craig, Hough, Shouse, Sholis and Fay) created by the fact that William Fay is no longer connected with WHAM.

Chairman Craig then called upon Mr. Rollo for a report of the developments which led to the calling of this meeting. Mr. Rollo proceeded to summarize the recent developments which led to the sending of his October 19, 1956 telegram to all member stations.

In late September or early October of this year, a discussion of the KCB case came up at a Commission meeting. The KOB case involved an application by KOB for permanent fulltime operation on 770 kc which was designated for hearing in March of 1944. (KOB had been forced to move off of its frequency in 1941 because of NARBA and had been assigned to 770 kc--on which WABC\* was operating as a

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\*Then WJZ.



Class I-A station\*-on a temporary basis pending the finding of a permanent "home" for KOB.) A hearing was held in 1945 but the KOB 770 kc application was placed in the pending files to await the outcome of the Clear Channel case. KOB continued to operate "temporarily" on 770 kc pursuant to six month Special Service Authorizations. In the early part of 1950 ABC filed an appeal with the courts with respect to a further six-month extension of the SSA authorizing KOB to operate on 770 kc. In 1951 the court released a decision holding that the "temporary" operation of KOB on 770 kc since 1941 had been permitted over too long a period. The court ordered the Commission to reach a final determination as to a permanent assignment for KOB within a reasonable time. After 14 months of fruitless discussions looking toward an informal solution, the Commission in 1952 reopened the 1945 hearing and on March 21, 1956 the Commission ordered a further hearing and modified some of the hearing issues so that the issues included the question as to whether the Commission's Rules should be amended so as to authorize the permanent operation of KOB on the Class I-A clear channel of 770 kc. In the meantime, ABC had filed a Section 309(c) protest against a further extension of the KOB SSA to operate on 770 kc and the Commission had issued a decision in July of 1955 to the effect that KOB would remain on 770 kc pending the final outcome of the above-noted hearing. ABC appealed to the court which in September

of 1956 ordered the Commission to take effective steps to protect the service area of WABC pending the final determination of the KOB 770 kc hearing. The court ordered such action to be taken by November 26 and directed the Commission to report to the court by November 13.

During the Commission's discussion of the KOB case in late September or early October, reference was made by one Commissioner to the long pendency of the Clear Channel case. This Commissioner stated that he thought a final decision in the case should be rendered by the end of October. He went on to say that if the Commission staff could not accomplish this, he would instruct his own staff to work on the case.

At the morning session of the Commission meeting of October 17, the same Commissioner reminded the other Commissioners of his earlier references to the Clear Channel case and made a motion that the staff be instructed to come up with a draft of a final decision by the next week. The motion was seconded and approved but in the discussion it was agreed that there was a need for reopening the record prior to rendering a final decision. The time was extended to two weeks in view of the fact that Commissioner Hyde was then in Mexico City.

At the afternoon session of the Commission's October 17, 1956 meeting the above motion was discussed further and it was suggested by the staff that the only possible order which could be prepared in a

period of two weeks would be an order to dismiss the case, which could be prepared in one week. Accordingly, the motion was amended and passed so as to instruct the staff to prepare an order dismissing the Clear Channel case for consideration at the meeting of October 24.

The above information came to the attention of Mr. Rollo on October 18. He had long distance conferences on the subject that day and the next with Messrs. DeWitt, Craig, Hough, Quaal, and Meyers and sent out his telegram of October 19.

On October 22 Mr. Rollo was advised that no action would be taken in the Clear Channel case until all Commissioners were present at a meeting. It was learned that one Commissioner did not see how the case could be decided on the present record and that he was inclined at first to favor dismissing the case with an invitation for interested parties to request the institution of new proceedings. However, upon consideration of the facts that (1) the present record contained a great deal of basic engineering data which had been assembled and agreed upon as set forth in Exhibit 109 and (2) that if the present record were dismissed it would be difficult if not impossible to reach such agreement again, the Commissioner then expressed the thought that it might be better to reopen the existing record rather than to dismiss the proceeding.

Mr. Rollo then referred to the fact that he had also learned prior to October 19 that a final decision in the Daytime Skywave

case (Docket 8335) has been drafted by the staff which followed closely the Commission's proposed report issued in March of 1954. This draft had been completed prior to the October 17 meeting of the Commission and proposed the continuation of the freeze on daytime applications on Class I-A frequencies pending a final decision in the Clear Channel case (Docket 6741). The Commission's plan as developed at the October 17 meeting was to issue a final decision in the Daytime Skywave case and dismiss the Clear Channel proceeding at the same time, which would require a redrafting of the Daytime Skywave decision so as to lift the freeze on daytime applications on I-A frequencies.

The motion to dismiss the Clear Channel proceeding was not acted upon at the October 24 meeting in view of the fact that Commissioner Hyde was still away in Mexico City.

Mr. Rollo reported that as a result of office discussions of the above developments, CCBS counsel felt that the issuance of a final decision in the Daytime Skywave case and the dismissal of the Clear Channel case would have the following effects.

1. There would be no duplication of I-A frequencies in the absence of further rule-making proceedings with the exception that individual applications to duplicate I-A frequencies accompanied by requests for a waiver of the rule against duplication might be processed.

2. There would be no power increases for Class I-A stations without further rule-making.

3. The daytime freeze would be lifted and the granting of daytime applications on I-A frequencies would preclude in many instances increased power for Class I-A stations and would lead eventually to duplication of I-A frequencies.

4. Foreign NARBA countries would interpret the dismissal of the Clear Channel case as the adoption by the United States of a policy to duplicate I-A frequencies. This would provide these foreign countries with the incentive to assign foreign stations on I-A frequencies and would also provide the United States with an incentive to duplicate the frequencies to keep foreign stations off the frequencies.

Mr. Rollo concluded his report by stating that the purpose of this meeting was to explore the existing situation and to determine what action CCBS should take. He pointed out that some of the alternatives were:

1. Immediately file a petition to reopen the Clear Channel proceeding on a limited basis to bring pertinent data up to date and move to reconsolidate the Daytime Skywave case with the Clear Channel case. Mr. Rollo said that the record could be brought up to date either through written comments and written replies or through a further evidentiary hearing.

2. Wait until the Commission issues an order dismissing the Clear Channel proceeding and then file a petition for reconsideration and a petition to reopen the record as set forth in number 1 above. Mr. Rollo stated that the danger in this course of action would be that the daytime freeze may not be reinstated.

3. Accept the dismissal of the Clear Channel proceeding and petition the Commission to institute a new rule-making proceeding looking toward increased power. Such a petition would include a request for the reinstatement of the daytime freeze but the chances are that the freeze would not be reinstated.

Chairman Craig then called on Mr. DeWitt for a report. Mr. DeWitt stated that following Mr. Rollo's telegram of October 19 he went to Washington on Tuesday, October 23 and participated in conferences with Messrs. Rollo, Eagan and Russell. Mr. DeWitt said he concluded that the primary objective of the Commissioner who made the motion at the October 17 meeting was to dispose of the Clear Channel proceeding, by a decision or by a dismissal. Some at the Commission felt that there should be a final disposition by next January but others thought it could not be done in less than a year's time. Mr. DeWitt also learned that some at the Commission believed erroneously that CCBS was responsible for the lack of action in the Clear Channel case.

Mr. DeWitt's opinion was that it would be better to have a modified reopening of the present record and a final decision rather than to dismiss the proceeding. In this connection, Mr. DeWitt pointed out that lifting of the daytime freeze and the granting of daytime applications would be, in effect, a decision for duplication. He also explained the relationship of the daytime skywave case to the Clear Channel proceeding and his belief that some Commissioners now feel the two should not have been separated.

Chairman Craig then called for discussion as to what course of action CCBS should adopt. Following a thorough discussion of the recent developments and the authority given to CCBS counsel at the April 16, 1956 meeting to petition to reopen the clear channel record (see page 6 of those minutes), Mr. Quaal moved that the CCBS lawyers be authorized to file as soon as possible a petition with the Commission to reopen the Clear Channel record to bring it up to date and to consolidate the Daytime Skywave proceeding with the Clear Channel proceeding. Mr. Quaal's motion included the fact that the petition should request that the record be brought up to date either through written comments or an evidentiary hearing, whichever the Commission desired. Mr. Quaal's motion was seconded and unanimously adopted. Chairman Craig stated that member stations would be given

an opportunity to review any evidence to be offered by CCBS at a further hearing prior to its being submitted for the record.

Chairman Craig then requested nominations for the replacement of William Fay on the Executive Committee. Mr. Outler nominated Ralph Evans. Mr. Evans requested that his name be withdrawn and offered the nomination of Ward. L. Quaal. Mr. Evans' motion was seconded and unanimously adopted.

Upon motion duly made, seconded, and approved, Messrs. Rollo and Seavey were authorized to issue a CCBS press release with respect to the instant meeting.

Immediately prior to the close of the meeting Mr. Craig informed the group that Harold Hough had been unable to attend in view of the fact that he was presiding over a meeting in Fort Worth at which the new editor-in-chief of the Fort Worth Star-Telegram was being introduced.

There being no further business to come before the meeting, upon motion the meeting was adjourned at approximately 12:05 p. m.

R. Russell Eagan  
Acting Secretary











5 June 61

from JACK DEWITT

Left to right

Les Long WGN

Bob Holbrook WSB

J.D. Bloom WWL

Don Parker WHAM

James Reebell WLW

Paul Sayre WHO

Jim Cooper WFAA

A.F. Leydorf consultant

John Campbell WSM

H.L. Blotterman KFI

Les Reynolds WSM

Rupert Bogen WBAP

~~Frieder~~

Friedrich Frieder Hof WJR

Clyde Haentle W L H

Orin Turner W H A S

Chas Jeffers W O A I

M E M O R A N D U M

May 12, 1961

TO: THE HONORABLE BUFORD ELLINGTON

FROM: JOHN H. DEWITT, JR.

SUBJECT: History and considerations in connection with the clear channel case.

In 1928 the Federal Radio Commission set up an allocation structure for broadcasting in the United States designed to provide service in the centers of population and in addition service to the farmers and rural communities through the use of clear channels. At that time there were 96 channels in the broadcast band, 40 of which were placed in the "clear" category. The broadcast band has since been enlarged to 106 channels. Soon after 1928 the clear channel stations were allowed to use a power of 50 KW which it was hoped would provide a reliable service to rural regions in addition to the service provided in the centers of population and culture in which the stations are located. Since 1928 there has been a constant erosion of the clear channels and at the present there are only 24 which are in the 1-A category (no other station occupies the channel in the North American region at night).

It is a fact of radio engineering that mutual interference between broadcasting stations on the same channel extends over a vast territory as compared with the service area covered by anyone of the stations. For this reason it is essential that the clear channels be maintained in their present condition in order that service can be provided to vast areas of the country which do not have sufficient population or economic power to support stations.

Under a treaty called NARBA to which the United States is a signatory we are guaranteed freedom from interference on 24 1-A clear channels so long as we do not permit other stations to operate on these stations in our country. Once we break down the channel down the other nations are permitted under the treaty (Canada, Mexico, Cuba, Haiti, Dominican Republic) to place stations on the channels. It is obvious then that these channels are national resources which should be preserved. The Mexicans make a great point under the treaty of having their clear channels ~~chan~~ of which they have six, protected in this country so that their stations can be heard here. Likewise, we feel that it is important that our stations be heard in the other North American countries especially in view of the current international situation.

When World War II ended there was some 700 broadcasting stations in the United States, today there are something like 3800 radio stations. One would think off hand that the addition of this large number of stations would have solved the problem of radio service to rural areas; such is not the case.

The coverage map of the United States today is very similar to that of 1945. Many of the local and regional stations cover much less territory than they did at that time because their service area has been reduced through the addition of stations on their channel which causes added interference. The attached map of the United States shows all of the groundwave service which existed in the United States as of 1 January 1957. The situation is much the same today. The white area of the map is the area which on a year round basis is served at night only by the skywave of the clear channels stations; In this area some 23 million people reside. Many of the people within the red areas of the map must rely on skywave service for clear channels to get a choice of programs.

The history of the breakdown of clear channels is that once a second station is permitted on the channel then applications are filed asking that the channel be used in many places throughout the country. This is the case for example for WOR, New York (710 KC) which once was a clear channel and now has ten stations on it, one of which is as close as Miami operating with a power of 50 KW. KOA, Denver is another example of a breakdown of a channel which was once clear. The interference from the many stations which have been placed on this channel seriously limits the skywave service of this station within the western region of the United States which already has a scarcity of radio service.

In 1945 the Federal Communications Commission instituted a proceeding known as the clear channel case, Docket 6741, under which they proposed to re-examine the broadcasting structure of the country and decide whether the clear channel stations should be allowed to use higher power in order to provide better service or whether the channels should be broken down to use a multiplicity of stations, or both. Each new chairman of the Commission since 1945 has attempted to settle this case which is still pending. No one has ever disputed the engineering facts in the case for they are the result of years of study on the part of joint committees made up of representatives of the FCC engineering department and industry people. The engineering facts are clear as a result. The daytime and other stations which outnumber the clear channel stations have claimed that the maintenance of clear channels and/or high power on them would seriously affect them economically. It has been the contention of the clear channel group, an association of independently owned clear channel stations, that these stations provided a degree of stability that the industry would lose if the facilities were reduced. In addition it is quite easy to show engineering facts that the breakdown of the channels will result in less service to the people than would be the case if there were left in their present condition.

The clear channel case should have been decided long ago but only after pains taking and careful study of the record which goes to some 6,000 pages of testimony. I understand that the new Chairman proposes to settle this case summarily by breaking down all clear channels. It is felt that if such a decision were taken by the Commission it would be an irrevocable step toward the dissipation of our national natural resource in the broadcasting band and would serve nothing but a harmful purpose nationally and internationally with respect to our relations with other North American countries.



from JACK DEWITT

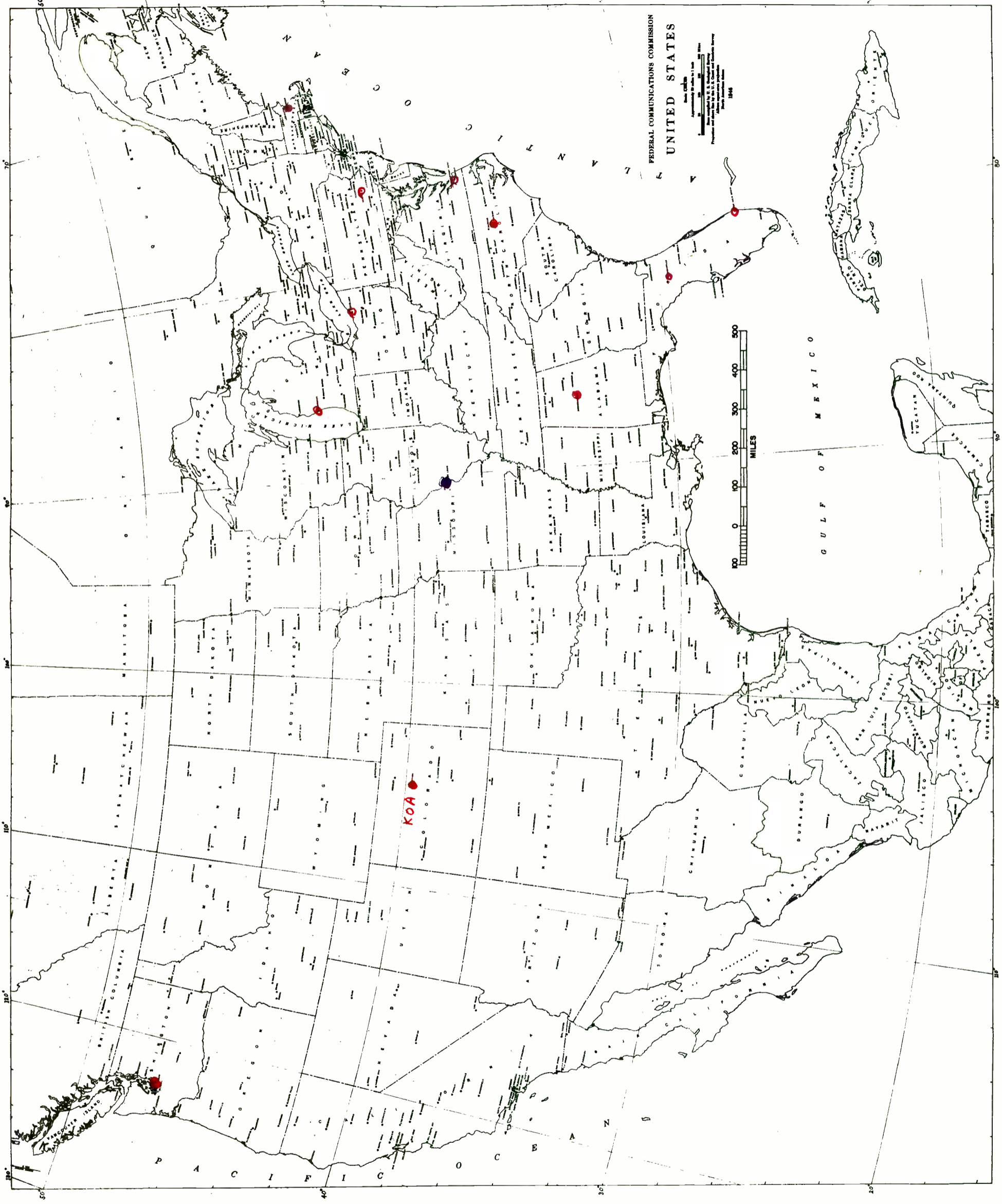
File until Monday



850 KC

BROADCAST ASSIGNMENTS  
AS OF 1ST DECEMBER 1960  
(IN CONTINENTAL USA)

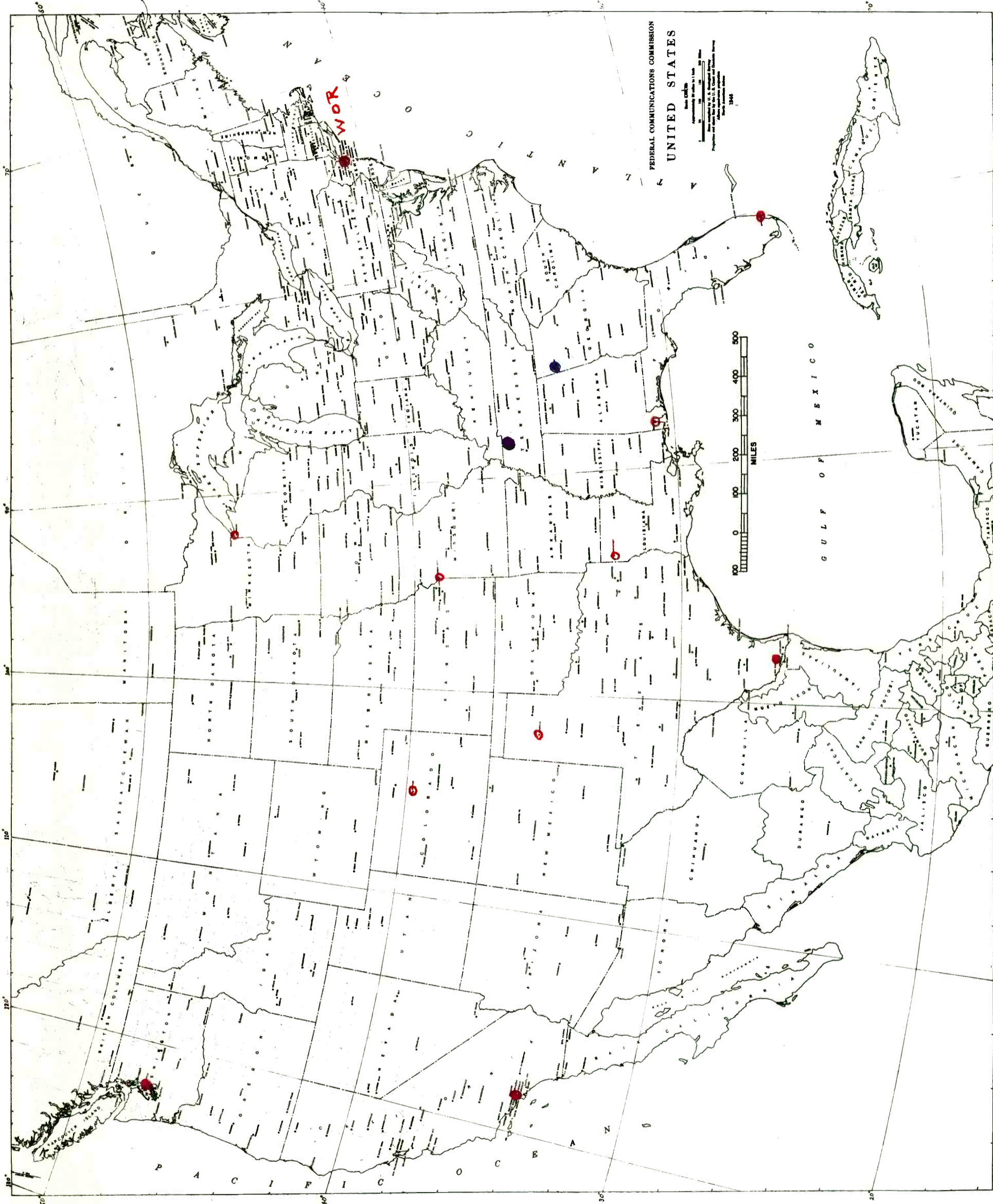
- WYDE BIRMINGHAM, ALA
- 1N/10D DAN
- KOA DENVER, COLO.
- 50 U CLASS 1-B
- WRUF GAINESVILLE, FLA
- 5 U DA-N
- WEAT WEST PALM BEACH, F.
- 1 U DA-1
- WHDH BOSTON, MASS.
- 50 U DA-2
- WKBZ MUSKOGON, IICH.
- 1 U DA-1
- KFUO CLAYTON, MO.
- 5 L-KOA =
- WKIX RALEIGH, N. C.
- 5N/10D DA-N
- WJW CLEVELAND, OHIO.
- 5N/10D DA-2
- WEUU READING, PA.
- 1 DA-N
- WRAP NORFOLK, VA.
- 1N/5D DA-2
- KTAC TACOMA, WASH
- 1 U DA-N

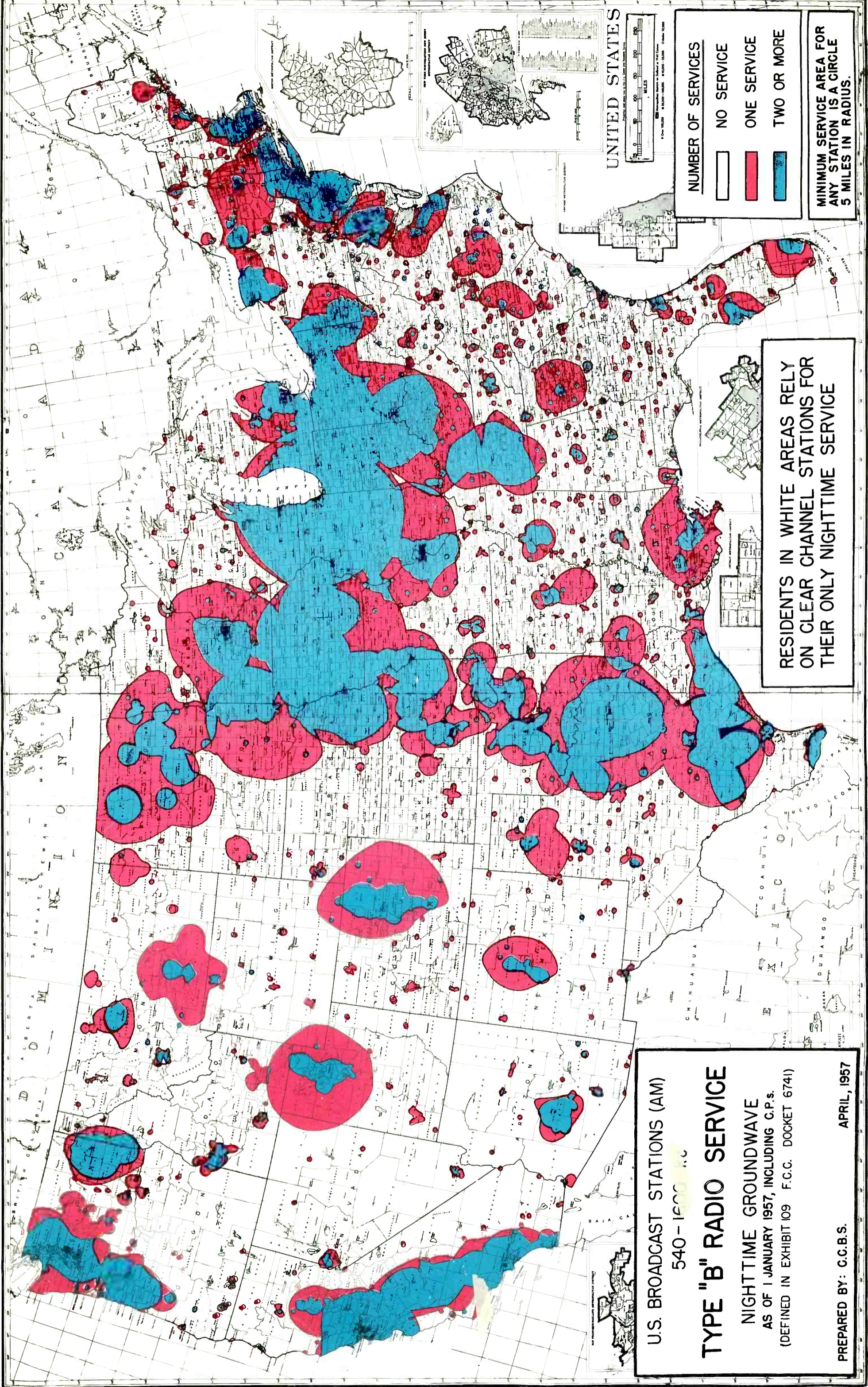


710 KC

BROADCAST ASSIGNMENTS  
AS OF 1ST DECEMBER '60

- WKRG MOBILE, ALA.
- 0.5N/1D DA-N
- KMPC L. A. CALIF.
- 10N/50D DA-N
- KICN DENVER, COLO
- 5 U DA-1
- WGBS MIAMI, FLA
- 10N/50D DA-2
- WROM ROME, GA.
- 1. DAYTIME ONLY
- KEEL SHREVEPORT, LA.
- 5N/50D DA-2
- WKB KANSAS CITY, KAN.
- 5N/10D DA-2
- WOR NEW YORK, N.Y.
- 50 DA-1 CLASS 1B
- WTPR PARIS, TENN
- 0.25 DAYTIME ONLY
- KGNC AMARILLO, TEXAS.
- 10U DA-2
- KURV EDINBURG, TEXAS.
- 0.25 U DAN
- KIRO SEATTLE, WASH.
- 50 U DAN CLASS 1B
- WDSM SUPERIOR, WIS
- 5 U DAN





UNITED STATES

**NUMBER OF SERVICES**

- NO SERVICE
- ONE SERVICE
- TWO OR MORE

MINIMUM SERVICE AREA FOR ANY STATION IS A CIRCLE 5 MILES IN RADIUS.

RESIDENTS IN WHITE AREAS RELY ON CLEAR CHANNEL STATIONS FOR THEIR ONLY NIGHTTIME SERVICE

U.S. BROADCAST STATIONS (AM)  
 540-1600 kHz  
**TYPE "B" RADIO SERVICE**  
 NIGHTTIME GROUNDWAVE  
 AS OF 1 JANUARY 1957, INCLUDING C.P.S.  
 (DEFINED IN EXHIBIT 109 F.C.C. DOCKET 6741)

PREPARED BY: C.C.B.S.      APRIL, 1957

Telefax

# WESTERN UNION

SENDING BLANK

Telefax

CALL  
LETTERS

FFR PD

CHARGE  
TO

WSM, Inc. - 1/3/61

Send following message to these people:

Mr. Victor Sholis  
Station WHAS, Louisville, Ky.

Mr. Worth Kramer  
Station WJR, Detroit, Mich.

Mr. Robert Dunville  
Station WLW, Cincinnati, Ohio

Understand Farmers Cooperative meeting in New Orleans on Monday may result in difficulty for CCBS. Believe it would be well if you could send your farm director to help John McDonald from WSM on Sunday and Monday in order that good strong resolution will result. Have your farm director contact John McDonald and advise of plans.

Jack DeWitt  
WSM

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD

(Not printed at Government expense)



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 87<sup>th</sup> CONGRESS, FIRST SESSION

## Effects on Illinois of FCC Order

SPEECH

OF

HON. PAUL H. DOUGLAS

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Tuesday, July 11, 1961

Mr. DOUGLAS. Madam President, for over 16 years the Federal Communications Commission has had before it what is known as the clear channel proceeding—docket No. 6741. On June 13 the Federal Communications Commission announced that it was directing the preparation of an order which would permit the duplication of 13 of the existing 25 clear channel stations. In other words, the Commission would allow a new station to be established on the same frequency as those now held by 13 of the present 25 clear channel stations. The final order has not yet been published.

Madam President, I am very proud of the new Chairman of the Federal Communications Commission, Mr. Newton Minow. He is, of course, from Illinois. But more important than that, he has brought to the Commission a sense of public service and public duty which has been all too rare there in the past. He has taken the position—and a quite proper position—that basically the airwaves belong to the people and that they are held in trust for the people by those stations which are granted licenses by the FCC.

In a courageous speech he gave here to the broadcasters, Mr. Minow pointed out what we all know to be the truth—that there is a “vast wasteland” in the programing of radio and television. He has correctly taken the point of view that these valuable licenses carry with them the responsibility for those who receive them to serve the public interest.

Madam President, I not only have no criticism of Mr. Minow, but I have the

greatest admiration for the way in which he has carried out his appointed tasks in the face of groups with very great economic and political power which seek to preserve their existing power.

Furthermore, with respect to the clear channel proceeding, a decision has been long overdue, for this proceeding was started more than 16 years ago and has been left unfinished until very recently.

In announcing its instructions for the preparation of an order, however, the Commission has duplicated 13 clear channel stations while leaving some 12 clear channel stations unaffected. Among the 13 clear channel stations which are to be duplicated, 6 are network stations, 3 more are owned by a single firm—Westinghouse—and 2 others are to be duplicated for what appears to be rather special reasons. The remaining two are independent stations.

In effect, what the Commission has ordered is that the network stations and those which are owned by one firm, plus four independent stations, two of them with special circumstances, be duplicated. What it has also done in general is not to duplicate the remaining independent stations. In this area, too, there are two network stations which are not affected but on which other stations will, in fact, be allowed to broadcast.

Madam President, I do not have enough knowledge of all the circumstances to make a judgment as to the correctness and initial fairness of this decision. But I can make a judgment about my own State.

In the case of Illinois, every clear channel station serving our State, namely four stations in Chicago and one station in St. Louis, is to be duplicated. This will leave Chicago and Illinois without a single clear channel station.

The proposed purpose of this order is to provide more service to what are

called the white or underserved areas of the country. These areas are those which are not served by a nighttime ground wave and the people in these areas are essentially without adequate nighttime service.

I am not at all certain that from the way in which the stations are to be duplicated that any large proportion of the 25 million people now without adequate nighttime service will, in fact, receive that service. This at least is questionable.

But what is clear to me is that in my own State, the effect of the decision will be to increase the area and the number of people who will be without adequate nighttime service. I think it is fair to say that the effect of this decision with respect to the clear channel stations which serve my State will be to deny more people adequate nighttime service than the new “duplicate” stations will serve. If that is the case, and I believe this to be true, I wonder if the decision by the Commission will, in fact, achieve its purpose? And I want to say here that I agree with the basic purpose of attempting to provide adequate service to the underserved or “white” areas of the country.

It would also seem to be clear from an analysis of the proposed order that the network stations are basically to be duplicated under this order while the independent stations, as a group, are not to be duplicated, at least at this time.

In the case of the Illinois area, it appears that the Commission decided to duplicate the four network stations; namely, WMAQ, WBBM, and WLS in Chicago, and KMOX in St. Louis, and having decided to do this, determined that WGN in Chicago, which is an independent station, had also to be duplicated even though independent stations as a group were not to be duplicated. •

Therefore, the effect of the decision will be to leave Illinois, Indiana, Michigan and Missouri without a single clear channel station. The closest clear channel stations will be in Des Moines, Iowa; Minneapolis, Minn.; Louisville, Ky.; and Cincinnati, Ohio; and, of course, these will not adequately serve Illinois.

As I say, I am not well enough informed to make a judgment about this proposed order in its overall effects, but I can say that I think Chicago and the Illinois area should not lose at one fell swoop all five of the clear channel stations which serve them. I think this is especially true when one examines the list of those clear channel stations which are unaffected and notes that, by and large, they are left in areas with a good many fewer people than in the Chicago and Illinois region. This is emphasized by the fact that the 12 unaffected stations are almost all in areas of much smaller population, except for two New York stations. And while these two New York stations are unaffected, both of them already have, or will have, other stations on their frequencies.

I hope that before this order becomes permanent the Commission may recon-

sider the effect of the order on Chicago and Illinois which is the second largest population area in the country but which will have no clear channel stations at all if this order goes into effect. This is true even though only one-half of the clear channel stations in the country are to be duplicated.

Now let me turn to the situation existing in my own city of Chicago. Three of the four clear channel stations there are network stations. The fourth is an independent station which is owned by the Chicago Tribune. I think it is fair to say that the Chicago Tribune has never been a great supporter of the senior Senator from Illinois—either before or after he was elected to the Senate. In fact they have fought me in season and out for a third of a century. Therefore, when I say that this independent station which is owned by the Chicago Tribune has been scrupulously fair and has probably performed as great a public service both in the field of public affairs and special features, such as its farm programs reaching into the more rural areas of the State, as any station in the country, I believe that no one will accuse me of bias or prejudice in favor of this station. I can truthfully say that WGN has been most

scrupulous in dividing time equally between and among political parties and groups in Illinois, in covering news events of groups with which its owners probably violently disagree, and in giving time to public interest and public service broadcasts which is really unrivaled in most areas of the country. From an examination of the data I have seen which the FCC has put out in directing the preparation of its order, it would appear to be that the only reason that WGN was duplicated was that the Commission decided to duplicate the other Chicago stations, for otherwise most of the independent stations were unaffected.

May I also say that I believe the CBS station in Chicago, namely, WBBM, has also made a real effort to serve the public interest with its news, public affairs, and programing in general. All this is said without derogation to any of the other clear channel stations.

I would hope that before the FCC order becomes final the situation which as it now appears will prevail in the Chicago and Illinois area if the order goes into effect will be reconsidered and that Chicago and Illinois will not lose every single clear channel station which now serves it.

(Not printed at Government expense)



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 87<sup>th</sup> CONGRESS, FIRST SESSION

## Amendment of Communications Act of 1934

SPEECH  
OF

HON. HOMER E. CAPEHART

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, July 20, 1961

Mr. CAPEHART. Mr. President, on behalf of myself, and the Senator from Georgia [Mr. TALMADGE], I introduce, for appropriate reference, a bill to amend the Communications Act of 1934, as amended. I ask unanimous consent to have printed in the RECORD a statement prepared by me relating to the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 2290) to amend the Communications Act of 1934, as amended, introduced by Mr. CAPEHART (for himself and Mr. TALMADGE), was received, read twice by its title, and referred to the Committee on Commerce.

The statement presented by Mr. CAPEHART is as follows:

### STATEMENT BY SENATOR CAPEHART

I have today introduced a bill to require the Federal Communications Commission to take effective steps at once to improve a deplorable condition which has existed since the birth of broadcasting in 1920.

Since most attention in the field of broadcasting seems to be focused these days on television, we tend to forget the fact that millions of Americans still depend on standard broadcast stations for entertainment and information.

It is appalling to realize the undisputed fact that almost 60 percent of the land area of the continental United States, in which over 25 million rural and smalltown Americans live, do not receive today even one acceptable nighttime groundwave signal although we have about 2,000 full-time broadcast stations. Equally appalling is the fact that additional millions of Americans have only a very limited choice of acceptable nighttime groundwave signals.

The many millions of residents of the vast radio "desert" must depend on skywave signals of class I stations for either their only nighttime radio service or for any choice of nighttime radio service. Because of the present power limitation of 50 kilowatts, imposed by the rules of the Commission, the skywave signals received by these woefully underserved Americans are not of sufficient strength to provide a reliable service.

This situation is not a newly discovered one. It has been recognized since the infancy of radio. The Federal Radio Commission, which was created in 1928 to bring technical order out of the then existing chaos, promulgated an allocation plan in 1928 which set aside 40 clear-channel frequencies, on

each of which only 1 station was authorized to operate at night, in order to provide a means of rendering service to rural and smalltown America. It was soon acknowledged that areas remote from large cities were receiving inadequate service, in terms of signal strength, and hearings were held before the successor Federal Communications Commission in 1936 and 1938 for the purpose of determining what could be done to improve the admittedly inadequate broadcast service rendered to rural areas. The evidence adduced at these hearings showed conclusively that from an engineering viewpoint service could be improved where needed only by (1) keeping a maximum number of frequencies clear or free of nighttime use by more than one station and (2) authorizing higher power for all clear-channel stations. In spite of this, the Commission did nothing between 1938 and 1945 to improve service. Instead, service was further degraded by reducing the number of clear-channel frequencies from 40 to the present 25.<sup>1</sup> The Commission also continued in effect its rule limiting the power of clear-channel stations to 50 kilowatts, even through higher power, which was authorized by the act and by the applicable treaties, was the only means of improving service in underserved areas.

In 1945, the Commission commenced, on its own motion, a third clear-channel hearing (docket No. 6751), designed to find ways of improving service to the millions of rural and smalltown Americans living in admittedly underserved areas. Again the evidence showed conclusively that service could be improved to the rural areas only by (1) keeping all class I-A clear-channel frequencies free of nighttime duplication and (2) authorizing power in excess of 50 kilowatts for class I-A stations.

Since the evidence in the latest clear-channel proceeding was presented in 1946 and 1947, the membership of the Commission has changed to the extent that only one member of the present Commission was a commissioner when the evidence was received. Recently, the Commission instructed its staff to prepare a report and order which would terminate the proceeding by maintaining the present power limitations of 50 kilowatts and by assigning additional full-time stations to all but 12 of the 25 class I-A clear-channel frequencies. Since 2 of these 12 already have additional full-time stations in New Mexico and Alaska on their respective frequencies, the Commission's solution would leave but 10 channels which would be clear or free of nighttime duplication.

The action proposed to be taken by the Commission would worsen rather than improve the existing situation. Duplication or further breakdown of the too few remaining class I-A clear-channel frequencies will lead to more service being afforded to cities which are already well served and to less service to the rural and remote areas which are now underserved. Also, the proposed

<sup>1</sup> Actually only 24 frequencies are clear and free of nighttime duplication within the continental limits of the United States and 1 of these is duplicated in Alaska.

duplication will (1) create an impossible roadblock to the only possible means of improving service in areas where it is needed, the use of higher power by class I-A stations and (2) surely lead to further duplication and a further degradation of service to rural areas.

In view of these facts, my bill will amend the act to prohibit further duplication or breakdown of class I-A clear-channel frequencies beyond that authorized as of July 1, 1961. The present law (sec. 303c) authorizes the Commission to improve service to the present radio "desert" by permitting class I-A clear-channel stations to operate with power in excess of 50 kilowatts. It is clear that the resolution passed by the Senate in 1938 (S. Res. 294) did not amend the basic law, died with that session of Congress and is in no way a bar to the authorization of higher power by the FCC. Higher power should be granted to each class I-A clear-channel station which proves to the Commission that such power will improve significantly the nighttime skywave service provided by the station to rural and smalltown areas which do not receive a satisfactory nighttime groundwave signal from any U.S. standard broadcast station.

My primary concern is the best interests of the millions of rural and small town Americans who for years have suffered from a lack of adequate radio service at night. I am convinced that these people, whose needs for radio programs clearly exceed the needs of those living in or near cities large enough to support radio stations, can receive adequate radio service only through the preservation of all existing class I-A clear-channel frequencies and the authorization of higher power for all class I-A stations. I feel as strongly that class I-B frequencies should not be broken down to any greater extent than now exists. I only wish it were feasible to convert some or all of these I-B frequencies back to I-A frequencies, especially in the Far West.

I am equally convinced that national defense considerations dictate that no further duplication of class I-A or I-B clear-channel frequencies be permitted and that higher power be authorized for all class I-A stations. I intend to ask that the proper military authorities testify at the forthcoming hearings to be held on the bill as to the vital defense needs for preserving and strengthening the precious natural resources which the class I frequencies constitute.

It is also of extreme importance from an international viewpoint that we not fritter away our too few remaining radio natural resources. Our neighbors could not be stopped from using our class I frequencies in their countries should we choose to desecrate their use in our own country. We should take a lesson from our neighbor Mexico which has kept all of its clear-channel frequencies free of nighttime duplication and has authorized power greatly in excess of 50 kilowatts for each of its class I-A stations. This was the only way Mexico could serve its rural population. It is equally true of us.

For all of the reasons given above, I earnestly urge that my bill be given early consideration and that it be passed promptly by the Senate.

March 7, 1961

The Honorable Jerome B. Wiesner  
The White House  
Washington, D.C.

Dear Jerry:

I would like to bring to your attention a matter which I think has some importance in regard to our current Cuban problem. Before doing so, I would like to offer my highest congratulations on your new appointment and to say that I think the President couldn't have done better. We have also enjoyed your performances as a TV star and I thought your selection of subjects on the computer program was excellent.

Last year the Director of The Voice of America, Mr. Loomis, asked the clear channel stations not to beam programs in the Spanish language to Cuba because he was afraid that such an action would result in a radio war which would be instituted by Mr. Castro. I believe that Mr. Loomis felt that Cuba would not start a shooting war with the U.S. but would have no hesitation in starting an electronic war in which Cuba would use some of the many broadcast transmitters now on the Island. Before Castro there were some 160 commercial stations in Cuba and I recall that there have been around 33 in Havana alone since 1937 when I attended the First Inter-American Radio Congress in that city. Mr. Loomis told us that the Voice of America would probably use a station on one of the Florida Keys in order to get information into the Cuban people. Since that time a station has begun operating on Swan Island in the Carribean under the ownership of some steamship company with 50 kw power and on the frequency of KSL, Salt Lake City (1160 KC). I believe that a directional antenna was designed for this station by A. D. Ring and Associates in Washington.

Last week I visited my brother-in-law in Montego Bay, Jamaica and took along a good broadcast receiver in order that I might observe interference on American stations and also to get some idea of the effectiveness of the Swan Island operation. I found that almost without exception American channels are occupied by stations in Latin America and interference is at an all time high. Of course, we have no agreement with countries outside the North American region so this is to be expected I suppose. I particularly observed at 1160 KC for I felt that if the station was effective in Cuba it would most certainly be well received in Jamaica which is just off the south shore of the eastern end of that Island.

There was never a time in five nights of listening that I could get anything from Swan Island; apparently, the Cubans are jamming the channel



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March 7, 1961

for even during the daytime when one would not expect a ground wave signal from Swan Island over the 100 mile path there was a strong 1 KC beat on the channel.

Upon returning to this country, I talked with members of the Ring organization who told me that the station had been effective for the first few months after it began operations but that they were aware of the fact that it was being jammed seriously by the Cubans.

The point of my letter is that if we are to be effective in feeding propaganda into Cuba on the medium wave band we should choose a transmitter location which is much closer to the target area. At present I doubt if any American stations are being received regularly in Cuba, except the Voice of America and there are few receivers for the frequencies used normally by that organization.

Best wishes.

Sincerely yours,

John H. DeWitt, Jr.

# File CCBS

Conference with Gov Ellington  
12 May 1961

1928 Allocation 40 channels  
1945 24 channels left  
Feb 1945 FCC instituted hearing to  
determine

FCC-Industry committees

CCBS case

Contention of opposition

Fact that there are 3800 stations today  
as against some 700 after war  
Congression effect  
Effect on congress

Each new chairman has tried to decide  
case

TAM Owen & his influence

High power - full use of channels

Breakdown & its results

Effect of breakdown under NARBA

2 clear channels in Texas

If there ever was time for influence by  
radio & other NA countries it is now



# CLEAR CHANNEL BROADCASTING SERVICE

## Your Attention Please!

### MINUTES OF ANNUAL MEETING OF CLEAR CHANNEL BROADCASTING SERVICE SUNDAY, MAY 7, 1961

CONFIDENTIAL

CONFIDENTIAL

Pursuant to notice, the annual meeting of the Clear Channel Broadcasting Service was held in the Hamilton Room of the Sheraton-Park Hotel in Washington, D. C. on Sunday, May 7, 1961 commencing at 4:00 p.m.

In the absence of Chairman Edwin W. Craig, Treasurer Harold Hough presided. R. Russell Eagan served as Acting Secretary.

The following representatives of member stations, arranged by frequency, were present:

KFI	George A. Wagner Charles E. Hamilton H. L. Blatterman	<u>WLW</u>	James D. Shouse Nyle Haehnle Howard Lepple
<u>WSM</u>	John H. DeWitt, Jr. Irvin Waugh Johnie S. Campbell	<u>WGN</u>	Walter L. Quael Carl J. Meyers Charles E. Gates Don Calibraro

<u>WSB</u>	Frank Gaither R. A. Holbrook	<u>WBAP</u>	Harold Hough Roy Bacus A. M. Herman
<u>WJR</u>	John F. Patt Worth Kramer F. Sibley Moore James H. Quello George F. Leydorf A. Friedenthal	<u>WFAA</u>	George K. Utley
		<u>WHAS</u>	Victor A. Sholis Orrin W. Towner Neville Miller
		<u>WHO</u>	Ralph Evans Paul Loyet
		<u>WHAM</u>	Henry Chrystal Irvin Gross
		<u>WOAI</u>	Charles Jeffers

Also present were J. D. Bloom of WWL; Arch Madsen and Vincent E. Clayton of KSL; Bernice Hase, CCBS Secretary; and Reed T. Rollo and R. Russell Eagan of Kirkland, Ellis, Hodson, Chaffetz & Masters, CCBS legal counsel.

Upon motion duly made, seconded and approved, reading of the minutes of the annual meeting held in Chicago on Sunday, April 3, 1960 was dispensed with and the minutes were approved.

Mr. Eagan reported briefly on the activities of the CCBS Washington office. In the absence of the Washington Director, Miss Hase is carrying through with the necessary arrangements with members of the Senate and House in connection with weekly 15-minute broadcasts on behalf of member stations KFI, WHAM, WHAS, and WJR. Mr. Eagan emphasized this service is available to all CCBS stations and also pointed out that Miss

Hase is also presently carrying through with the necessary arrangements in connection with sending out duplicate tapes of addresses at various agricultural meetings, especially the addresses at the annual meetings of the American Farm Bureau Federation, The National Grange, and the National Council of Farmer Cooperatives. On occasion Miss Hase receives tapes from various CCBS Farm Directors which she arranges to have duplicated and sent out to member stations.

Mr. Rollo reported on the legal activities which took place since the last annual meeting with respect to the Clear Channel Case (Docket 6741), the Daytime Skyway Case (Docket 8333), the WTOA appeal and the efforts of daytime stations to secure extended hours of operation:

(a) As reported in the current issue of Broadcasting magazine (Closed Circuit), the Commission has not voted on the Clear Channel Case since Chairman Minow took office. However, indications are that a final vote will be taken in the near future.

(b) On October 27, 1960, the Court of Appeals affirmed the Commission's decision in the Daytime Skyway Case.

(c) On March 30, 1961, the Court of Appeals affirmed the Commission's action of refusing to waive the freeze on daytime stations and refusing to process the WTOA application to operate daytime only on 720 kc.

(d) Hearings were held in June of 1960 before a House Committee on five bills proposing to amend the Communications Act

so as to authorize operation of all daytime stations from 6:00 a. m. to 6:00 p. m. , regardless of the times of local sunrise and sunset. These bills were opposed by the Commission as well as by CCBS and no action was ever taken by the House Committee following the hearings. Since the new Congress convened in January of 1961 similar bills have been introduced. If additional hearings are held, the proposals will again be opposed by the Commission as well as by CCBS.

Mr. Rollo concluded his report by thanking the members for the confidence expressed in the law firm at the last annual meeting when the annual retainer was increased. Mr. Rollo went on to discuss in detail the legal fees and work done for CCBS for the calendar year 1960.

Following Mr. Rollo's report, there was discussion by the members of the various matters covered in his report. In response to an inquiry, Mr. Rollo stated that in his opinion, concurred in by his partners, it would be improper and a violation of the Commission's rules for any member or any representative of CCBS to talk to any Commissioner, directly or indirectly, with respect to the merits of the issues involved in the pending Clear Channel case. Mr. Rollo's legal opinion was based primarily on the Court of Appeals May 8, 1959 decision in the case of Sangamon Valley Television Corporation v. U. S.

Mr. Hough gave the treasurer's report and stated that an additional assessment will be levied in the near future. The assessment will be allocated on the basis adopted at last year's annual meeting. Mr. Hough paid tribute to the wonderful guidance afforded over the years by Mr. Craig and expressed his sorrow that Mr. Craig could not be present for the meeting. Mr. Hough also complimented Miss Hase and praised the work of CCBS legal counsel.

Following the treasurer's report there was general discussion by the members. It was made clear in this discussion that the Executive Committee has authority from the membership to select a new CCBS Director. Also, upon motion duly made, seconded and approved, the Executive Committee was empowered to authorize the filing of any necessary legal documents by CCBS counsel.

Upon motion duly made, seconded and approved, R. Russell Eagan was authorized to inform the Press of the events which took place at the meeting.

The meeting adjourned at approximately 4:55 p. m.

R. Russell Eagan  
Acting Secretary



BARRY BINGHAM  
*President*

MARK F. ETHRIDGE  
*Vice-President*

LISLE BAKER, JR.  
*Vice-President*

# W H A S INC.

LOUISVILLE 2, KENTUCKY  
TEL. JUNIPER 5-2211

January 4, 1961

VICTOR A. SHOLIS  
*Vice-President and Director*

Mr. J. H. DeWitt  
Radio Station WSM  
Nashville, Tennessee

Dear Jack:

Although I don't know what the group eventually will do to fill the vacancy in the CCBS office, I wanted to pass on to you information I have that Harry Butcher would be available. Harry is now completing the sale of a TV station and I understand will be at liberty in short order although not on a full-time basis.

The suggestion was made to me that perhaps we might be interested in using him during periods when the situation is hot in Washington and then not staff the office during the interim.

I don't have to spell out Harry's background to you nor his general familiarity with the clear channel problem. As a matter of fact, he came to Nashville with me, you may recall, some nineteen years ago when we first created the office.

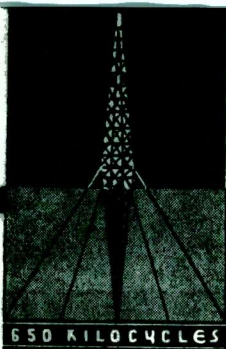
Harry intends to return to his home in Santa Barbara as a base of operations, but is also interested in staying in the business.

Warm regards,

  
Victor A. Sholis

VAS;jms

RADIO STATION

**W S M**  
INCORPORATED50000  
WATTS

650 KILOCYCLES

NASHVILLE 3, TENNESSEE

\* \* \*

CLEAR CHANNEL

\* \* \*

February 13, 1961

Mr. Ben Ludy  
Station KWFT  
Wichita Falls, Texas

Dear Mr. Ludy:

Mr. Craig who is extremely busy at the moment getting ready for his annual stockholders meeting of the National Life has asked that I reply to your letter of February 11th.

We will be having a meeting of the Executive Committee of the Clear Channel Broadcasting Service within the next two weeks and I shall see to it that Mr. Caudle's application is considered. I assume that his application has been sent to some other member of the Committee for I do not have it.

Sincerely yours,

John H. DeWitt, Jr.

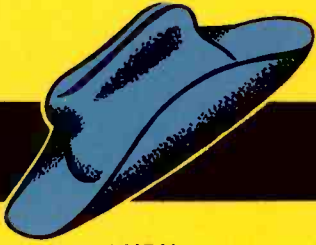
JHD:ab

RADIO  
STATION

# KWFT

5KW  
at 620  
day &  
night

*The Voice of the Rich Southwest*



**BEN LUDY**  
President &  
General Manager

Wichita Falls, Texas  
February 11, 1961

PHONE 723-4181  
TWX 8364

*Mr. De Witt*

*Please reply*

Mr. Edwin W. Craig  
Chairman, Clear Channel Broadcasting Service  
National Life & Accident Insurance Company  
Nashville 3, Tenn.

Dear Ed:

I understand that Charles J. Caudle has applied to the Clear Channel Broadcasting Service for the position of Director, and if it amounts to anything, I would like to put in a pitch for Charley.

I have known Charley Caudle for some years and always in a most favorable way. He has the faculty for turning up at the most astounding times and always with the interest of his clients foremost in his mind.

Charley is a terrifically hard worker with an unbelievable imagination, and to my way of thinking, should make a great man for the position of Director for the Clear Channel Broadcasting Service.

I know that Charley is highly regarded at Carl Byoir as he was at J. M. Hickerson, Inc., and in my opinion, he would make an ideal Director for your association.

Kindest personal regards,

RADIO STATION KWFT,

Ben Ludy  
President & General Manager

BL/es

Cc and letter to Mr. Jack DeWitt

February 8, 1961

Mr. Charles J. Caudle  
1200 Marcus Avenue  
New Hyde Park, New York

Dear Mr. Caudle:

Let me thank you for your thoughtful letter of February 6 and your interest in the Clear Channel Broadcasting Service.

Before long now, the Executive Committee of our organization will meet to consider the Washington representations. At that time your letter will be presented for careful consideration.

Sincerely yours,

Edwin W. Craig

C  
O  
P  
Y

February 6, 1961

Mr. Edwin W. Craig  
Chairman, Clear Channel Broadcasting Service  
National Life & Accident Insurance Company  
Nashville 3, Tennessee

Dear Mr. Craig:

I am writing to you at the suggestion of Mr. Ward Quaal in regards to the position of Director of the Clear Channel Broadcasting Service.

Over the years I have had the opportunity of observing your office in Washington, D.C. in operation. As a result, I feel that I am somewhat familiar with the organization's objectives and problems. Knowing that experience in agriculture, broadcasting and legislative contact are important qualifications, I would like to respectfully request your kind consideration of my candidacy for the position of Director.

Service to American Agriculture has been a real part of my life almost from the beginning. My family owned and operated a livestock commission business in East St. Louis, Illinois for approximately 75 years. Following the deaths of my grandfather and father, I took over control of the concern and maintained seats on the St. Louis Livestock Exchange. In addition to this down-on-the-farm, down-in-the-market experience, I have handled public relations matters for Carl Byoir & Associates' accounts having a stake in the agricultural economy. I am a member of the National Association of Television and Radio Farm Directors.

Beginning with my undergraduate days at the University of Illinois (Class of '41), I have consistently been engaged in broadcasting activities. In the 1940's I worked for several radio stations across the country, including KMOX. In the early part of the 1950's I served as Director of Radio/TV for a 4-A advertising agency in New York, J. M. Hickerson, Inc. At this agency I also served as account executive on the General Electric account. For the past six years I have served as account representative in the Radio/TV department at Carl Byoir & Associates, where I am also a member of the Creative Plans Board. While my knowledge of radio engineering is not strong, I have the ability to absorb and utilize technical material, as witnessed by the success of two lecture-demonstrations on the subjects of atomic energy and earth satellites, which I wrote, produced and lectured.

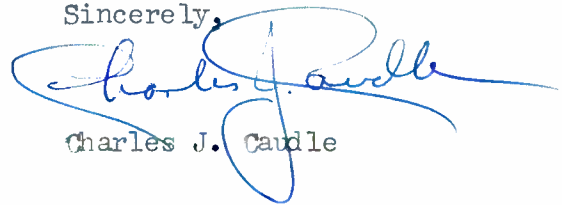
In regards to legislative contact experience on the Washington level, I must admit that it has been infrequent. However, I am a firm believer in my favorite definition of salesmanship, which says that "salesmanship is the gentle art of letting the other fellow have your way." I can assure you that I would constantly strive to further the legislative objectives of the Clear Channel Broadcasting Service, according to the techniques and dictates of true, professional public relations, in the best sense of the term.

Mr. Edwin W. Craig

Page Two

In considering my candidacy, I would like for you to know that I am happily married and the proud father of four wonderful children. I would also like you to know that I firmly believe in the efficacy and necessity of Clear Channel broadcasting. Should you care to give my candidacy further consideration, I will be pleased to furnish you with a complete resume of my experience and a list of references.

Sincerely,



Charles J. Caudle

CJC/

cc: Mr. Ward Quaal

Charles J. Caudle  
1200 Marcus Avenue  
New Hyde Park, N.Y.  
HUNter 8-3304

WGN INC.

Channel 9 TELEVISION

RADIO 720 on your dial



Dic. 2-15-61

441 North Michigan Avenue · Chicago 11, Illinois · Telephone Michigan 2-7600

February 18, 1961

Mr. Roy Battles  
Assistant to the Master  
the National Grange  
1616 H Street, N. W.  
Washington 6, D. C.

Dear Roy:

You were most thoughtful to take the time to write such a fine letter in regard to the necessity of more work in the field by the clear channel group.

I could not more thoroughly agree with you and hope that just as soon as we have selected a successor to Gayle Gupton we will be able to have him on hand in a number of locations across the country where much "missionary" work is needed.

All of us in the clear channel family are so appreciative of the never-ending interest of you, Herschel and your associates in behalf of this basic form of radio service so essential to those who reside in the small towns and rural areas of our nation.

Roy, I hope you have had the opportunity to get to know Orion Samuelson. He is doing an outstanding job and, as you know, we are increasing rather than decreasing our farm activities on both radio and television.

All good wishes and much appreciation, Roy.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ward L. Quaal', written over the typed name.

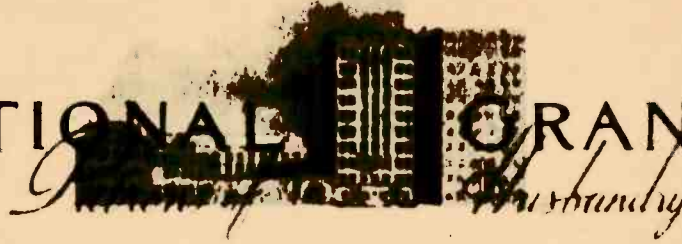
Ward L. Quaal  
Vice President  
General Manager  
WGN, Inc.

WLQ/r

cc: E. W. Craig  
John H. DeWitt, Jr.  
Harold Hough

C  
O  
P  
Y

# NATIONAL GRANGE



## OFFICERS

Herschel D. Newsom, Master, Washington, D. C.  
Dorsey Kirk, Overseer, Oblong, Ill.  
Edward F. Heber, Lecturer, Washington, D. C.  
Leland D. Smith, Treasurer, Braucher Falls, N. Y.  
Harry A. Caten, Secretary, Coshocton, Ohio

1616 H Street, N.W.  
WASHINGTON 6, D. C.  
Phone NA 8-3507

## EXECUTIVE COMMITTEE

Ray Teagarden, Ch., LaCygne, Kansas  
Harry B. Caldwell, Secretary, Greensboro, N. C.  
W. E. Adams, Eagle, Idaho  
Maynard C. Delleff, Augusta, Maine  
Herschel D. Newsom, Ex officio, Washington, D. C.

February 9, 1961

Mr. Ward Quaal  
Station Manager  
Radio Station WGN  
Chicago, Illinois

Dear Ward:

There's a matter that I've wanted to discuss with you for some time. Having missed the opportunity to talk with you by phone on two or three occasions, perhaps I can express what I have in mind reasonably well by letter.

Would it be possible for the Clear Channel group to raise sufficient money in order to give its Washington representative more latitude with respect to travel? It is my feeling that if this clear channel fight is going to be won, it will have to be done by building "pressure fires" in the country. The political odds of some 3,000 "small stations" vs. a couple of dozen big "clears" are simply too overwhelming for the battle to be won by work here in Washington alone.

Would it not be a very wise expenditure for your Washington representative to spend a considerable amount of his time, when Congress is not in session (and sometimes when Congress is in session), interesting every rural organization of any consequence at the state level in the clear channel cause? First our rural leadership would have to understand the engineering principles involved. This might include the use of visual aids, etc. in forcefully telling the story. It might also involve a well-planned, well-implemented program of bringing pressure to bear in key spots from respective states across the country. In short, Washington reacts to pressure from "back home."

You may have wondered why the Grange and other rural groups do not get this job done. The answer to this, Ward, is that we simply do not have the manpower; the limited manpower we do have is so overwhelmingly consumed with pressing matters of considerable magnitude the clear channel problem gets lost in the shuffle.

In a few cases, we even find small stations infiltrating Grange policies by selling members of our Delegate Body on the fact that the clear channels should be wiped out.



Mr. Ward Quaal - #2

To my way of thinking, Ward, this would have to be a long-range, well-planned, systematic operation. Of course, if you are merely fighting a delaying action, or if you feel the battle is already partially lost, then the above line of logic is of little value.

I have no idea how the new Chairman of the Commission will feel about this issue, but if there is a possibility of his influence swinging the Commission in our direction, then there may be sufficient time for us to really build the grass-rooted fires necessary to get a clear-out decision in this area and to muster the forces needed to keep that decision from being eroded as the years go by.

There. . . I got that off my chest!

Best wishes.

Sincerely yours,

**ROY BATTLES**  
Assistant to the Master

RB:ch

SAGE SWANSON ASSOCIATES, INC.

*Public Service Relations*

230 PARK AVENUE . . . NEW YORK 17, N. Y. . . . MURRAY HILL 4-6088

February 23, 1961

Mr. Edwin Craig,  
Chairman of the Board  
National Life & Accident Insurance Co.,  
Nashville, Tenn.

Dear Mr. Craig:

Following our pleasant conversation, via long-distance telephone, with you the other day, Mr. Rufus Jarman and I decided that you should be provided, more fully and in writing, with the matters we wish to bring to your attention.

This idea began during the recent Inauguration Week in Washington, D.C. when Mr. Jarman and I happened to be present at the National Press Club during an informal discussion of some probable attitudes of the new Kennedy Administration toward the status quo. The case of the twenty large, clear-channel radio stations came up. Some in the group had the feeling that the clear-channel operating licenses of at least some of these stations might be in jeopardy because of the Administration change.

It happens, as you know, that Mr. Jarman comes from Middle, Tennessee, worked on a Nashville newspaper and is personally acquainted with a number of your employees and executives at Station WSM. I have lately had considerable business dealings along other lines in the Nashville vicinity. We are neighbors in Westport, Connecticut and so it developed rather naturally that he and I reached the conclusion that the two of us, and our associates, might work to the benefit of all concerned with and through your company, WSM and other clear-channel stations. Our purpose would be to provide a useful service and benefits to WSM and its sister stations, as well as to the U. S. Government, and specific departments therein, in these critical times through the following thoughts and suggestions:

We agree with the general belief among the majority of informed observers that the new administration in Washington is likely to make some rather radical revisions of policy among several Federal agencies -- in particular, the Federal Communications Commission, which has been under considerable criticism of late, as you know. It is very likely that Administration policies in this particular area may affect disadvantageously clear-channel broadcasting licenses of at least some of the large stations.

It would seem, therefore, that stations desiring to protect for the future the licensing privileges they now enjoy should immediately put their best foot as far forward as possible. In short, the best insurance to preserve the status quo in licensing matters is to show officials of the new administration, as forcefully as possible, the worthwhile public services that these stations have been providing and are anxious to provide, in even larger measure, in the future.

Frankly, we feel that your industry has been remiss in properly presenting its good profile to those who matter. Few of the people to whom we have talked -- those with political leverage, on the Hill, in the Executive Branch, among the press -- are able to make, in their own minds, a strong case in favor of continuing the present licenses of clear-channel stations, as filled as the atmosphere now is with the general hue and cry to give "the little fellow" a better shake, at the expense of "the big fellow."

Most of the people to whom we have talked admit that they "just don't know."

You evidently regard your present enviable equity in the national channels of information as too important -- to yourself, selfishly, and to the welfare of our people, both locally and nationally -- to allow its prestige, influence and power to slip away by default.

But, "when there is a lack of information, "as it has been wisely said, "misunderstandings can be easily arranged."

As we understand its purposes, the attitude of this new administration in Washington favors broad changes in policies. As in most important changes, opportunities exist as well as challenges. We cite a few of both, as we see them:

1. - The Administration is said to be looking for dramatic means to favor "the little fellow," perhaps at "the big fellow's" expense.

2. - This Administration, on the other hand, has shown a greater appreciation than any in our experience of the real opportunities in, and importance of communications. It is moving very fast to keep the voters "sold" on the wide fronts of its multitudinous endeavors.

3. - This Administration has professed its extreme interest in the welfare and education of the small farmer -- a victim of nature and fluctuating price structures, neither of which he understands sufficiently.

It seems to us, therefore, that you would be wise to anticipate the obvious, and lead members of the Administration in their thinking, as much as possible, in those areas where Government regulations might seriously affect your operations in the near future.

With the above in mind, we urge that you authorize my associates and me, representing the organization of clear-channel radio stations, to enter into a constructive, new program of public service. In this we wish your authorization to assist the new Secretary of Agriculture in his task of getting into close communion with his farming public.

A meeting between us and you is highly desirable as soon as possible, but, meanwhile:

We suggest that Mr. Orville Freeman, the new Secretary of Agriculture, be offered 15 minutes each week at a set time of day, mutually convenient, to talk directly with the farmers. We believe a live broadcast over a network of clear channel stations would be most desirable, but are prepared to offer alternatives.

But we believe, emphatically, that this effort should be of such high quality as to complement both the Department of Agriculture and the participating stations. In this connection, we are prepared to offer the services of Mr. Jarman to assist in preparing scripts.

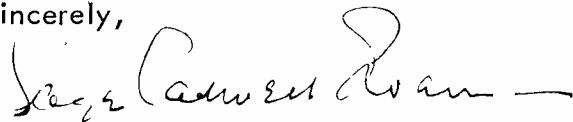
We have also arranged with Mr. Paul de Fur, of New York, who among his other achievements was once Commercial Program Director of WLW, Cincinnati, to supervise the production, which we feel could be a real milestone of both excellence and in service.

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Perhaps the above will give you a better idea of the plans which we believe, if carried out, would be of great advantage to yourselves and your station associates. We hope that in the very near future we may come together with you or your representatives so that we may get a better idea of your view point. We believe that timing is very important because matters in Washington are necessarily taking shape with some rapidity and we can see a great advantage to you in becoming associated with the design of the program of "public information" being formulated.

I hope you are enjoying your vacation and also hope to hear from you again soon on the matter.

Sincerely,



S. C. Swanson

SCS:wjf

March 3, 1961

Mr. Victor Sholis  
Station WHAS  
Louisville, Kentucky

Dear Vic:

Mr. Craig who is on vacation in Florida has requested that I ask you to meet within the very near future to canvas all possibilities with respect to a new CCBS director. You will remember that he reported to you that the majority of the group was in favor of engaging a new director immediately.

Ward Quaal would like to show us his new studio facilities in Chicago and has offered a luncheon if the Committee will meet in that city. Monday, March 13, would be quite convenient for Ward and me. I believe that he could also meet on the 16, 17 and 20th. I would prefer the 13th but could meet on the 16th or 17th, if necessary.

Will you please let me know which one of these dates will be convenient. I trust that you will be able to attend and give us the benefit of your help and advice in this important matter.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JFD:ab

March 3, 1961

Mr. Harold Hough  
Station WBAP  
Fort Worth, Texas

Dear Harold:

Mr. Craig who is on vacation in Florida has requested that I ask you to meet within the very near future to canvas all possibilities with respect to a new CCBS director. You will remember that he reported to you that the majority of the group was in favor of engaging a new director immediately.

Ward Quaal would like to show us his new studio facilities in Chicago and has offered a luncheon if the Committee will meet in that city. Monday, March 13th, would be quite convenient for Ward and me. I believe that he could also meet on the 16th, 17th and 20th. I would prefer the 13th but could meet on the 16th or 17th, if necessary.

Will you please let me know which one of these dates will be convenient. I trust that you will be able to attend and give us the benefit of your help and advice in this important matter.

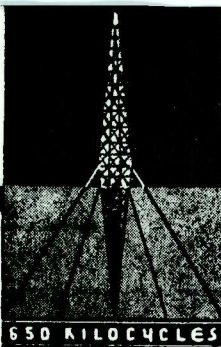
Best regards.

Sincerely yours,

John H. DeWitt, \*

JHD:ab

RADIO STATION


**WSM**  
 INCORPORATED

 50000  
 WATTS

650 KILOCYCLES

NASHVILLE 3, TENNESSEE

CLEAR CHANNEL

March 3, 1961

Mr. James D. Shouse  
 Crosley Broadcasting Company  
 Crosley Square  
 Cincinnati, Ohio

Dear Jim:

Mr. Craig, who is on vacation in Florida, has requested that I ask you to meet within the very near future to canvas all possibilities with respect to a new CBS director. You will remember that he reported to you that the majority of the group was in favor of engaging a new director immediately.

Ward Quaal would like to show us his new studio facilities in Chicago and has offered a luncheon if the Committee will meet in that city. Monday, March 13th, would be quite convenient for Ward and me. I believe that he could also meet on the 16th, 17th and 20th. I would prefer the 13th but could meet on the 16th or 17th, if necessary.

Will you please let me know which one of these dates will be convenient. I trust that you will be able to attend and give us the benefit of your help and advice on this important matter.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab



*Mr Reynolds*  
*we will get the money in Tenn*  
**AM-FM-TV**

FORT WORTH TELEPHONE JE 6-1981

DALLAS TELEPHONE AN 2-5224-AN 2-4622

P. O. BOX 1780  
OFFICES AND STUDIOS 3900 BARNETT STREET  
FORT WORTH, TEXAS

February 22, 1961

AMON CARTER  
FOUNDER  
1922-1955

AMON CARTER, JR.  
PRESIDENT

HAROLD HOUGH  
DIRECTOR

ROY BACUS  
MANAGER

WBAP-820  
50,000 WATTS  
NB

WBAP-570  
5,000 WATTS  
ABC

WBAP-TV  
CHANNEL 5  
NB

WBAP-FM  
96.3

Mr. John H. DeWitt, Jr.  
Station WSM  
Nashville 3, Tennessee

Dear Jack:

About Johnie S. Campbell - a hurried check through our records show that we did not receive any requisitions through the CCBS office, and of course, have made no payments to either him or WSM. We do find payments made to other stations for work their engineers did, so it is evident that the Group owes you the amount you have listed and it should be paid just as we have paid some of the other stations.

We have not sent out our assessment yet as we are still waiting on the auditors to finish up their work on the CCBS books, but when you boys get together in Nashville in a few days which I presume you will, perhaps you had better write me a letter of authority to send out this assessment so we can pay some of our long over due bills.

Hope you are doing okay. I am doing much better but am not travelling yet.

Best wishes.

Sincerely,

*Harold Hough*  
Harold Hough

HVH:b

PETERS, GRIFFIN, WOODWARD, INC., *National Representatives*



*Take to Chicago*

XXXXXXXXXXXXXXXXXXXX

February 27, 1961

C  
O  
P  
Y

MEMORANDUM TO: Mr. Rollo  
Mr. Eagan

FROM: Bernice Hase

Since this session of Congress convened, five bills have been introduced aimed at giving daytime-only radio stations minimum hours from 6 a.m. to 6 p.m., and referred to the Committee on Interstate and Foreign Commerce.

January 16	- T. G. Abernethy, Democrat, Miss.	H.R.2745
January 25	- T. M. Pelly, Republican, Wash.	H.R.3334
January 26	- Geo. E. Shipley, Democrat, Ill.	H.R.3469
February 21	- J. L. Whitten, Democrat, Miss.	H.R.4695
February 23	- Frank Ikard, Democrat, Texas	H.R.4830

I was told again today by Ed Williamson, Clerk, Interstate and Foreign Commerce Committee, that it is very likely hearings will be held on this matter as "something has to be done". I will keep in touch with Mrs. Neuland of the Commerce Committee and advise you. I understand that sub-committees have not been organized as yet.

cc: Mr. DeWitt ✓  
Mr. Quaal

*Bernice*

87TH CONGRESS  
1ST SESSION

# H. R. 3334

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1961

Mr. PELLY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

---

## A BILL

To amend the Communications Act of 1934, with respect to the hours of operation of certain broadcasting stations.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 303 (c) of the Communications Act of 1934  
4       is amended by inserting immediately before the semicolon  
5       at the end thereof a colon and the following: "*Provided,*  
6       That, in the case of broadcasting stations licensed to operate  
7       during daylight hours, the hours they are permitted to op-  
8       erate shall be at least from 6 o'clock antemeridian to 6  
9       o'clock postmeridian".

I

87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3334

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## A BILL

To amend the Communications Act of 1934,  
with respect to the hours of operation of  
certain broadcasting stations.

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By Mr. PELLER

JANUARY 25, 1961

Referred to the Committee on Interstate and Foreign  
Commerce

NUMBER OF DAYTIME, LIMITED, UNLIMITED AND UNDER CONSTRUCTION

WITHIN THE CONTINENTAL LIMITS OF THE UNITED STATES

As of  
December 1, 1960

Based on Official List for Information Setting Forth Notified Assignments of Standard Broadcast Stations of the United States as of December 1, 1960.

NOTE: The frequencies are those on which they are presently operating.

<u>Class</u>	<u>No. of Channels</u>	<u>Limited</u>	<u>Daytime</u>		<u>Unlimited</u>		<u>Total</u>	
			<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>
U.S. I-A	25	13	45		26		84	
Canadian I-A	7	0	174	17	33	2	207	19
Mexican I-A	6	0	258	15	2		260	15
Bahamas I-A	1	0	13		5	1	18	1
U. S. I-B	19	3	51	2	106	4	160	6
Foreign I-B	2	0	15	17	13		28	17
Regional	41	0	1008	61	760	4	1768	65
Local	6	0	2		923	14	925	14
	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Total	107	16	1566	112	1868	25	3450	137

U. S. I-A

	<u>Freq.</u>	<u>Ltd.</u>	<u>Daytime</u>		<u>Unlimited</u>		<u>Total</u>	
			<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>
1.	640	1	2		1		4	
2.	650	0	1		1		2	
3.	660	0	3		1		4	
4.	670	0	0		1		1	
5.	700	0	0		1		1	
6.	720	0	0		1		1	
7.	750	3	3		1		7	
8.	760	0	1		1		2	
9.	770	1	2		2 (KOB)		5	
10.	780	1	4		1		6	
11.	820	2	1		1		4	
12.	830	1	1		1		3	
13.	840	0	3		1		4	
14.	870	1	5		1		7	
15.	880	0	2		1		3	
16.	890	0	2		1		3	
17.	1020	1	2		1		4	
18.	1030	0	1		1		2	
19.	1040	0	1		1		2	
20.	1100	1	3		1		5	
21.	1120	0	3		1		4	
22.	1160	1	0		1		2	
23.	1180	0	1		1		2	
24.	1200	0	0		1		1	
25.	1210	0	4		1		5	
		<u>13</u>	<u>45</u>		<u>26</u>		<u>84</u>	
Total		13	45		26		84	

Canadian I-A

	<u>Freq.</u>	<u>Ltd.</u>	<u>Daytime</u>		<u>Unlimited</u>		<u>Total</u>	
			<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>
1.	540	0	10	1	2		12	1
2.	690	0	14	1	5		19	1
3.	740	0	18		6		24	
4.	860	0	27	3	4		31	3
5.	990	0	25	3	8	1	33	4
6.	1010	0	24	6	6		30	6
7.	1580	0	56	3	2	1	58	4
	<u>Total</u>	<u>0</u>	<u>174</u>	<u>17</u>	<u>33</u>	<u>2</u>	<u>207</u>	<u>19</u>

Mexican I-A

	<u>Freq.</u>	<u>Ltd.</u>	<u>Daytime</u>		<u>Unlimited</u>		<u>Total</u>	
			<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>
1.	730	0	27	1	0		27	1
2.	800	0	26	1	0		26	1
3.	900	0	41	2	0		41	2
4.	1050	0	53	2	1		54	2
5.	1220	0	49	4	1		50	4
6.	1570	0	62	5	0		62	5
	<u>Total</u>	<u>0</u>	<u>258</u>	<u>15</u>	<u>2</u>		<u>260</u>	<u>15</u>

Bahamas I-A

	<u>Freq.</u>	<u>Ltd.</u>	<u>Daytime</u>		<u>Unlimited</u>		<u>Total</u>	
			<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>
1.	1540	0	13		5	1	18	1

U. S. I-B

	<u>Freq.</u>	<u>Ltd.</u>	<u>Daytime</u>		<u>Unlimited</u>		<u>Total</u>	
			<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>
1.	680	0	4		11		15	
2.	710	0	2		11		13	
3.	810	0	4		3		7	
4.	850	1	0		11		12	
5.	1000	0	3		3		6	
6.	1060	0	3		4		7	
7.	1070	0	2		8	1	10	1
8.	1080	0	4		5		9	
9.	1090	0	4		3		7	
10.	1110	1	3		4		8	
11.	1130	0	0		5		5	
12.	1140	0	3		5		8	
13.	1170	0	1		7		8	
14.	1190	1	3		4	1	8	1
15.	1500	0	1		5		6	
16.	1510	0	6		5	1	11	1
17.	1520	0	3		5	1	8	1
18.	1530	0	0		3		3	
19.	1560	0	5	2	4		9	2
Total		3	51	2	106	4	160	6

Foreign I-B

	<u>Freq.</u>	<u>Ltd.</u>	<u>Daytime</u>		<u>Unlimited</u>		<u>Total</u>	
			<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>
1.	940	0	4	1	7		11	1
2.	1550	0	11	16	6		17	16
Total		0	15	17	13		28	17

Regional

	<u>Freq.</u>	<u>Ltd.</u>	<u>Daytime</u>		<u>Unlimited</u>		<u>Total</u>	
			<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>
1.	550	0	4		18		22	
2.	560	0	3		17		20	
3.	570	0	5		13		18	
4.	580	0	6		13		19	
5.	590	0	2		18		20	
6.	600	0	8		14		22	
7.	610	0	3	1	16		19	1
8.	620	0	5		17		22	
9.	630	0	13		13		26	
10.	790	0	13	3	20		33	3
11.	910	0	18	2	25		43	2
12.	920	0	17	1	23		40	1
13.	930	0	14	1	22		36	1
14.	950	0	21		18		39	
15.	960	0	21		20		41	
16.	970	0	21	1	19		40	1
17.	980	0	25	1	14		39	1
18.	1150	0	33	2	23	1	56	<b>B</b>
19.	1250	0	34	1	15		49	1
20.	1260	0	41	1	20		61	1
21.	1270	0	37	1	15		52	1
22.	1280	0	31	3	22		53	3
23.	1290	0	31	2	24		55	2
24.	1300	0	28	3	20		48	3
25.	1310	0	31	2	24		55	2



Regional (Cont'd)

Freq.	Ltd.	<u>Daytime</u>		<u>Unlimited</u>		<u>Total</u>		
		<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	
26.	1320	0	31	2	21		52	2
27.	1330	0	30	1	17		47	1
28.	1350	0	34	1	18		52	1
29.	1360	0	38	3	20		58	3
30.	1370	0	36	4	15		51	4
31.	1380	0	30	4	22	1	52	5
32.	1390	0	28	2	21		49	2
33.	1410	0	35	2	17		52	2
34.	1420	0	38		17		55	
35.	1430	0	30	2	19		49	2
36.	1440	0	28	1	23		51	1
37.	1460	0	32	3	19		51	3
38.	1470	0	38	2	16		54	2
39.	1480	0	29	4	23	1	52	5
40.	1590	0	44	4	13	1	57	5
41.	1600	0	42	1	16		58	1
Total		0	1008	61	760	4	1768	65

Freq.	Ltd.	<u>Local</u>		<u>Unlimited</u>		<u>Total</u>	
		<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>	<u>Opr.</u>	<u>CP</u>
1.	1230	0	1	158	1	159	1
2.	1240	0	0	140		140	
3.	1340	0	0	154	6	154	6
4.	1400	0	0	158	2	158	2
5.	1450	0	0	159	2	159	2
6.	1490	0	1	154	3	155	3
Total		0	2	923	14	925	14

WGN INC.

441 North Michigan Avenue · Chicago 11, Illinois · Telephone Michigan 2-7600

Channel **9** TELEVISION

RADIO 720 on your dial



January 19, 1961

Dic. 1-17-61

C  
O  
P  
Y

The Honorable Jerome B. Wiesner  
Massachusetts Institute of Technology  
Cambridge, Massachusetts

Dear Jerry:

Hearty congratulations on your being named by President Elect Kennedy to be his special assistant in the field of science and technology.

I have watched with great interest your service under President Eisenhower, especially as a member of the Scientific Advisory Committee, and, of course, I am primarily familiar with your great work in being responsible for the perfection of the "Scatter Communication System" which made possible the distant early warning line across Northern Canada and Alaska.

A lot has happened to both of us since the days we worked under Waldo Abbott in Ann Arbor. I believe our first association was in 1937, Jerry. I recall vividly some of the first shows we worked together with Waldo and Dr. Maddy.

All good wishes to you and congratulations on a richly merited appointment.

Very sincerely,

A handwritten signature in cursive script, appearing to read "Ward L. Quaal".

Ward L. Quaal  
Vice President  
General Manager  
WGN, Inc.

WLQ/ck

bcc: John H. DeWitt, Jr. ✓  
Reed T. Rollo, Esq.

March 7, 1961

Mr. Ralph Evans  
Central Broadcasting Company  
1002 Brady Street  
Davenport, Iowa

Dear Ralph:

Mr. Craig is still in Florida so I am taking the liberty of answering your letter to him of March 2nd. He has asked that we proceed with a meeting of the Executive Committee to select a new director for recommendation to the group. This meeting will take place next Monday in Chicago and I am sure that you will hear from us very shortly thereafter.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

# Central Broadcasting Company

1002 Brady Street  
Davenport, Iowa

RALPH EVANS  
EXECUTIVE VICE-PRESIDENT

WHO, WHO-FM, & WHO-TV  
DES MOINES  
WOC-TV  
DAVENPORT

March 2, 1961.

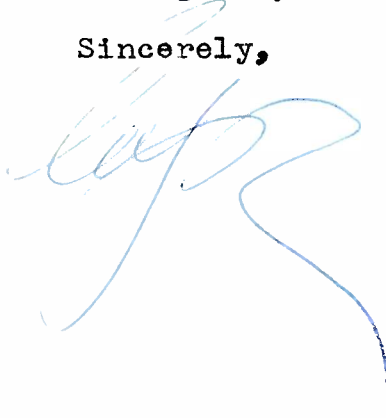
Mr. Edwin W. Craig,  
National Building,  
Nashville 3, Tennessee.

Dear Ed:

I am now back at my desk in Davenport, and am wondering if anything has transpired in finding a new director to represent the clear channels in Washington, D.C.

With high personal regards, I am

Sincerely,

A handwritten signature in blue ink, appearing to be 'Ralph Evans', written over the typed name 'Sincerely,'.

RE/m

WGN INC.

Channel 9 TELEVISION

RADIO 720 on your dial



441 North Michigan Avenue · Chicago 11, Illinois · Telephone Michigan 2-7600

May 2, 1961

Dic. 4-30-61

COPY

Mr. John S. Hayes, President  
The Washington Post, Broadcast Division  
Washington, D. C.

Dear John:

This note is tardy because of absence from the city on a little holiday in the west, plus a few short business trips, but we want to write to congratulate you upon winning election to the NAB Board as a Director-at-Large.

During the time that I was on the NAB Board, I was on the television side of the aisle for the period from 1952 through 1956, so I am not too familiar with any deliberations of the Radio Board insofar as various classes of stations are concerned. I do know, however, that many years ago, prior to Hal Fellows' assumption of the presidency, there were some ill-considered moves by the Board which would have hurt stations of the size of WTOP and WGN. In my own case, John, you know I served for 4 years as Director of the Clear Channel Broadcasting Service and, for many years prior thereto and since, I have been active in the work of CCBS, for I feel very strongly that these fine radio properties are very much a stabilizing factor in the radio industry.

I would not even mention my concern about any development that might arise on the NAB Radio Board, except that today the Board itself and the membership reflect to an overwhelming degree matters that are more typical of small operations than those of a WTOP or a WGN. While it is presumptuous of me to so comment, John, if I can ever be of service should there ever be a development on the Board involving classes of stations, I wish you would call upon me.

All good wishes and I am looking forward to seeing you in Washington next week.

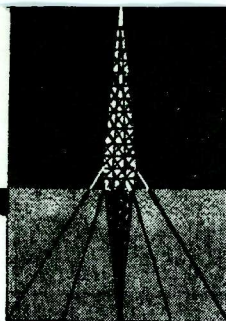
Sincerely,

A handwritten signature in cursive script, appearing to read "Ward L. Quaal".

Ward L. Quaal  
Vice President  
General Manager  
WGN, Inc.

WLQ/ck

bcc: John H. DeWitt, Jr. ✓  
Carl J. Meyers  
Reed T. Rollo, Esq.



RADIO STATION

**WSM**  
 INCORPORATED

 50000  
 WATTS

650 KILOCYCLES

NASHVILLE 3, TENNESSEE

\*\*\* CLEAR CHANNEL \*\*\*

February 17, 1961

Mr. Harold Hough  
 Station WCAP  
 Fort Worth, Texas

Dear Harold:

I am sure this will come as quite a shock but your recent letter to Mr. Craig in which you mentioned the financial condition of CCBS plus the necessity for an assessment reminded me that last year WSM spent quite a lot of money for expenses for Johnie S. Campbell while he was in Washington in connection with CCBS work. You will remember that Johnie was there for about four months during which time he worked on the preparation of an answer to the Commission's proposal to break down the clear channels. Our records indicate that Johnie's expenses from November 23, 1959 through April 13, 1960 amounted to \$3,322.17. This includes air transportation, hotel, meals et cetera; I am sure you realize that we have not charged anything here for Johnie Campbell's time.

There is certainly no rush about this but when you have enough money in the till we would appreciate receiving back the amount the other stations are due to pay under the formula arrangement. In other words, WSM would not expect the total amount of \$3,322.17 but would expect to be repaid that amount minus WSM's share.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JED:ab



# The Dallas Morning News

TEXAS' LEADING NEWSPAPER

RADIO-TELEVISION STATIONS WFAA • TEXAS ALMANAC

EXECUTIVE OFFICES

February 13, 1961

*Mr. Ed W. Craig*

Mr. Edwin W. Craig  
Chairman of the Board  
National Life and Accident Insurance Co.  
National Building  
Nashville 3, Tennessee

Dear Ed:

I am sorry that I have been so long in answering your questions concerning the employment of a new director for the Clear Channel Broadcasting Service. Numerous interruptions have come up, but I am happy to say at this time that we will certainly join the group affirmatively if that is the decision of the majority.

My best regards.

Sincerely,

  
James M. Moroney, Jr.



# AM-FM-TV

FORT WORTH TELEPHONE JE 6-1981

DALLAS TELEPHONE AN 2-5224—AN 2-4622

P. O. BOX 1780  
OFFICES AND STUDIOS 3900 BARNETT STREET  
FORT WORTH, TEXAS

AIR MAIL

February 15, 1961

AMON CARTER  
FOUNDER  
1922-1955

AMON CARTER, JR.  
PRESIDENT

HAROLD HOUGH  
DIRECTOR

ROY BACUS  
MANAGER

Mr. Edwin W. Craig  
The National Life and Accident  
Insurance Company  
National Building  
Nashville 3, Tennessee

Dear Mr. Craig:

I notice from your letter that the boys want to hire a manager for our Washington office. As I told you in my last letter, I am not familiar with the qualifications of any of these fellows, but the other boys are and know more about them than I do.

While you might notify me about the meeting, I doubt if I can come because I am taking a series of medicine, and my doctor wants me to stay off planes temporarily, but whatever you do is satisfactory with me.

On our financial situation, we owe our law firm \$11,509.78, so we will have to send out an assessment based on the national spot rate, and unless I hear from you to the contrary, we will send out this assessment within the next week or two. We will have enough funds to carry on for a month or two, but we have delayed in paying the lawyers long enough. I had hoped to have a financial statement from Ernst & Ernst before the assessment was issued but I don't know just when it will be along - in a few days I guess.

Thanks for your nice letter, and kindest personal regards.

Sincerely,

Harold Hough

HVH:b

PETERS, GRIFFIN, WOODWARD, INC., *National Representatives*



*Mr Reynolds*

January 30

TO: Mr. DeWitt

Enclosed is a copy of an article which appeared in the January 28 Washington Post and Times Herald for your information. Copies have also been sent to Mr. Quaal and the law firm.

*Bernice*

February 7, 1961

Confidential

Mr. Edwin W. Craig  
The National Life & Accident Insurance Co.  
National Building  
Nashville 3, Tennessee

Dear Ed:

I have purposely delayed replying to your letter of January 18 which refers to the present status of the Clear Channel Broadcasting Service.

In the intervening weeks we have sent Marshall Wells to New Orleans to assist your John McDonald there in securing a proper resolution from the farm group there assembled. We have also sent our general manager, Jim Quello, to Washington where he conferred with Reed and Russ, and Hollis Seavey, among others.

This above activity might well indicate the strong interest WJR continues to have in the Clear Channel matter. Our interest is such as to totally concur with you that a strong director should be selected forthwith for our Washington office to replace Gayle Gupton. As I understand it, there is presently available a highly qualified man named Louis Rock. His background appears to be excellent and those who have met him appear to be quite impressed with him.

WJR completely supports the position which Ward Quaal, Leonard Reinsch, and you have taken, and suggests expedition of our employment of a qualified director.

Best personal regards,

Worth Kramer

WJK/Mr. Quaal  
Mr. DeWitt ✓

LAW OFFICES OF

**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**

WORLD CENTER BUILDING - 16<sup>TH</sup> AND K STREETS, N. W.

**WASHINGTON 6, D. C.**

TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

LOUIS G. CALDWELL  
(189-1951)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
HERBERT J. MILLER, JR.  
FREDERICK M. ROWE  
ALOYSIUS B. MCBANE  

---

JOSEPH DU COEUR  
RAYMOND G. LARROCA  
HOWARD P. WILLENS

February 9, 1961

Mr. John H. DeWitt, Jr.  
WSM, Incorporated  
National Building  
Nashville 3, Tennessee

Dear Jack:

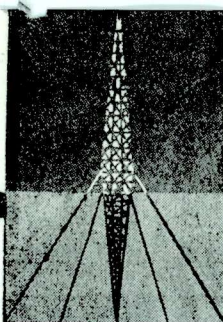
The application of Frank Donald Hall for a new daytime station on 650 kc at Albuquerque, New Mexico, which Russ Eagan called to your attention under date of December 30, was reported in yesterday's release as having been accepted for filing. The application will now be placed in the pending files until such time as the "freeze" is lifted.

Sincerely,



Reed T. Rollo

RTR:jk  
cc to Mr. George A. Reynolds



RADIO STATION

**WSM**  
 INCORPORATED

 50000  
 WATTS

650 KILOCYCLES

NASHVILLE 3, TENNESSEE

\*\*\* CLEAR CHANNEL \*\*\*

February 15, 1961

Miss Bernice Hase  
 Clear Channel Broadcasting Service  
 532 Shoreham Building  
 Washington 5, D.C.

Dear Bernice:

I have talked with Johnnie Campbell about your letter of February 8 and he feels that we definitely should subscribe to the revision service for the Broadcast Allocation Map Book. It is our feeling that it is cheaper to keep it up to date than to wait until a crisis results and then have to go back and do a lot of work to put it in order.

I was amused at the coverage of the testimony of Mr. Loomis which you sent me in the form of a clipping from a newspaper. I am fairly familiar with the testimony he covered before the Congressional Committee last fall, most of which information I got directly from him. What he couldn't say was that the government was afraid that if standard band broadcast stations carried Spanish language messages to our friends in Cuba, Mr. Castro would use some of the left over transmitters to use us. This would be about as far as he would be willing to go in any kind of war. While no one has told me this I strongly suspect that the radio station on Swan Island which is beamed toward Cuba and which is under the nominal ownership of a steamship company belongs to the Voice of America or something awfully close to it. Andy Ring did the engineering on it and you will note that it is on the frequency of KSL. All of this is quite confidential but I am sure you will find it interesting in light of the cross examination of Mr. Loomis.

We continue to appreciate your holding of the fort up there and I can tell you that the group members are almost unanimous in their desire to seek a new director. I believe that there will be a meeting of the Executive Committee within the very near future and I suspect that someone will be selected. In the meantime, continue to hold the fort for I am sure your service and knowledge will be of very great value to the new man, whoever he might be.

Sincerely yours,

John H. DeWitt, Jr.



# Clear Channel Broadcasting Service

Shoreham Building  
Washington 5, D. C.

February 8, 1961

~~Hollis McCreary~~  
Director

Mr. John H. DeWitt, Jr.  
President & Station Manager  
WSM, Inc.  
301 - 7th Avenue North  
Nashville, Tennessee

Dear Mr. DeWitt:

Our subscription to the Revision Service for the AM Broadcast Allocation Map Book expired with Revision No. 8. I have kept the book up to date since we purchased it last year for the engineers. This involves all corrections, deletions, assignment of call letters, contour changes, etc.

The cost of the Revision Service is \$72.00 a year payable in advance. I have not returned the renewal form since I wanted to get your thinking as to the necessity for this maintenance. Even though I have not returned the renewal notice, they are holding Revision No. 9 for us.

I am writing this letter at the suggestion of Mr. Eagan and shall await your reply.

Sincerely,

*Bernice*  
Bernice Hase  
CCBS

cc: Mr. Hough  
Johnie Campbell  
Mr. Eagan



Sponsored by Independently Owned  
Clear Channel Radio Stations

Telefax

# WESTERN UNION

Telefax



A LLW243 PD=FAX ATLANTA GA 20 341P EST= 1961 JAN 20 PM 3 17  
EDWIN W CRAIG, NATIONAL LIFE AND ACCIDENT INS CO=  
NATIONAL BLDG NASH=

CONCUR WHOLEHEARTEDLY THAT NEW DIRECTOR OF CCBS  
BE ENGAGED TO EXPEDITE INTERESTS ON THE SCENE.  
OUR EFFORTS SHOULD NOT LAG AT THIS CRITICAL TIME.  
REGARDS=

FRANK GAITHER WSB RADIO=

Cc to Jack DeWitt

February 9, 1961

Mr. Richard C. Shepard  
Station WHAM  
Rochester, New York

Dear Dick:

All of the replies to my letter to you of January 18 are now in and I can report that almost without exception our CCBS member stations wish to proceed in the direction of finding a new director immediately.

I shall shortly call a meeting of the Executive Committee in order that we may review the qualifications of all the prospects and applicants. Once the Committee settles upon someone, I shall again write you before proceeding with any action to employ him.

I appreciate your prompt and considered reply and the Committee will certainly welcome any suggestions you might have in this matter.

With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

C

O

P

Y

February 9, 1961

Mr. Ralph Evans  
Station WHO  
1100 Walnut Street  
Des Moines, Iowa

Dear Ralph:

All of the replies to my letter to you of January 18 are now in and I can report that almost without exception our CCBS member stations wish to proceed in the direction of finding a new director immediately.

I shall shortly call a meeting of the Executive Committee in order that we may review the qualifications of all the prospects and applicants. Once the Committee settles upon someone, I shall again write you before proceeding with any action to employ him.

I appreciate your prompt and considered reply and the Committee will certainly welcome any suggestions you might have in this matter.

With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

C  
O  
P  
Y



Cc to Jack DeWitt

February 9, 1961

Mr. John Patt  
Station WJR  
2200 Fisher Building  
Detroit, Michigan

Dear John:

All of the replies to my letter to you of January 18 are now in and I can report that almost without exception our CCBS member stations wish to proceed in the direction of finding a new director immediately.

I shall shortly call a meeting of the Executive Committee in order that we may review the qualifications of all the prospects and applicants. Once the Committee settles upon someone, I shall again write you before proceeding with any action to employ him.

I appreciate your prompt and considered reply and the Committee will certainly welcome any suggestions you might have in this matter.

With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

C  
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P  
Y

February 9, 1961

Mr. Frank Gaither  
Station WSB  
1601 W. Peachtree Street  
Atlanta, Georgia

Dear Frank:

All of the replies to my letter to you of January 18 are now in and I can report that almost without exception our CCBS member stations wish to proceed in the direction of finding a new director immediately.

I shall shortly call a meeting of the Executive Committee in order that we may review the qualifications of all the prospects and applicants. Once the Committee settles upon someone, I shall again write you before proceeding with any action to employ him.

I appreciate your prompt and considered reply and the Committee will certainly welcome any suggestions you might have in this matter.

With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

C  
O  
P  
Y

February 9, 1961

Mr. George Wagner  
Station KFI  
141 North Vermont Avenue  
Los Angeles, California

Dear George:

All of the replies to my letter to you of January 18 are now in and I can report that almost without exception our CCBS member stations wish to proceed in the direction of finding a new director immediately.

I shall shortly call a meeting of the Executive Committee in order that we may review the qualifications of all the prospects and applicants. Once the Committee settles upon someone, I shall again write you before proceeding with any action to employ him.

I appreciate your prompt and considered reply and the Committee will certainly welcome any suggestions you might have in this matter.

With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

C  
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Y

Cc to Jack DeWitt

February 9, 1961

Mr. Harold Hough  
Station WBAP  
Fort Worth, Texas

Dear Harold:

All of the replies to my letter to you of January 18 are now in and I can report that almost without exception our CCBS member stations wish to proceed in the direction of finding a new director immediately.

I shall shortly call a meeting of the Executive Committee in order that we may review the qualifications of all the prospects and applicants. Once the Committee settles upon someone, I shall again write you before proceeding with any action to employ him.

It will be a great disappointment not to have you at our Executive Committee Meeting, but I can understand your reluctance to travel if your doctors have you temporarily grounded. I most sincerely hope that you will improve rapidly.

With best wishes and kindest personal regards,  
I am

Sincerely,

Edwin W. Craig

C  
O  
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Y

February 9, 1961

C  
O  
P  
Y

Mr. Ward Quaal  
Station WGN  
441 N. Michigan Avenue  
Chicago, Illinois

Dear Ward:

All of the replies to my letter to you of January 18 are now in and I can report that almost without exception our CCBS member stations wish to proceed in the direction of finding a new director immediately.

I shall shortly call a meeting of the Executive Committee in order that we may review the qualifications of all the prospects and applicants. Once the Committee settles upon someone, I shall again write you before proceeding with any action to employ him.

Ward, I know that you have a number of applicants in mind. Do you have any suggestion as to when we should hold this meeting? It will be a pleasure, as always, to talk with you personally at this meeting.

With best wishes and kindest personal regards,  
I am

Sincerely,

Edwin W. Craig

Cc to Jack DeWitt

February 9, 1961

C  
O  
P  
Y

Mr. James D. Shouse  
Crosley Broadcasting Corporation  
140 West Ninth Street  
Cincinnati, Ohio

Dear Jimmy:

All of the replies to my letter to you of January 18 are now in and I can report that almost without exception our CCBS member stations wish to proceed in the direction of finding a new director immediately.

I shall shortly call a meeting of the Executive Committee in order that we may review the qualifications of all the prospects and applicants. Once the Committee settles upon someone, I shall again write you before proceeding with any action to employ him.

I agree with you, Jimmy, that there is no reason why we shouldn't pick someone who has held a responsible position in the past administration. As you will remember, we have had directors who were of the opposite party in power who were successful.

You will soon hear from me about dates for a meeting of the committee and I sincerely hope that you can attend.

With best wishes and kindest personal regards,  
I am

Sincerely,

Edwin W. Craig

Cc to Jack DeWitt

February 9, 1961

C  
O  
P  
Y

Mr. Victor Sholis  
Station WHAS  
Louisville, Kentucky

Dear Vic:

All of the replies to my letter to you of January 18 are now in and I can report that almost without exception our CCBS member stations wish to proceed in the direction of finding a new director immediately.

I shall shortly call a meeting of the Executive Committee in order that we may review the qualifications of all the prospects and applicants. Once the Committee settles upon someone, I shall again write you before proceeding with any action to employ him.

You will soon hear from me about dates for a meeting of the committee and I sincerely hope that you can attend.

With best wishes and kindest personal regards,  
I am

Sincerely,

Edwin W. Craig

February 9, 1961

Mr. James M. Gaines  
Station WOAI  
San Antonio, Texas

Dear Jim:

All of the replies to my letter to you of January 18 are now in and I can report that almost without exception our CCBS member stations wish to proceed in the direction of finding a new director immediately.

I shall shortly call a meeting of the Executive Committee in order that we may review the qualifications of all the prospects and applicants. Once the Committee settles upon someone, I shall again write you before proceeding with any action to employ him.

I can understand your concern about the Commission's past actions and it may be that their same frame of mind will continue in the new administration; on the other hand, a chairman has a very powerful influence on the other members of the Commission. Perhaps the Commission will vote differently the next time they meet on this subject. Certainly, we do not wish anyone to be duplicated and such a decision would be the most favorable outcome possible.

With best wishes and kindest personal regards,  
I am

Sincerely,

Edwin W. Craig

C  
O  
P  
Y



Cc and letter to Jack DeWitt. ✓

February 9, 1961

Mr. L. E. McDonald  
1102 E. 14th Street  
Lombard, Illinois

Dear Mr. McDonald:

Let me thank you for your letter of  
February 7 and for your interest in the  
Clear Channel group.

In a little while now the Executive  
Committee will meet to consider the  
situation and I will see to it that  
your letter is given the thoughtful  
consideration of the Committee.

Sincerely yours,

Edwin W. Craig

C

O

P

Y

February 7. 1961

Mr. Edward Craig. Pres.  
Clear Channel Broadcasting  
National Life Insurance Co.  
Nashville, Tennessee

Dear Mr. Craig,

Mr. Ward Quaal, manager of WGN in Chicago, informed me yesterday that you are the man to talk to in regard to vacancies in Clear Channel.

First let me say, I have spent about ten years broadcasting on two clear channel stations in Chicago, as both farm broadcaster and staff announcer. Approximately five years at WLS and about the same length of time at WGN. It was during my tenure at WLS that I first met Mr. Quaal and later worked for him at WGN.

Now I understand from my friend Layne Beatty in Washington that the position once held by Hollis Seavy in CCBS is open. I would like to be considered for that position.

My qualifications include some fifteen years in broadcasting, plus extensive travel over the midwest, and a wide circle of friends in the business, and in the broadcasting area of Central America, that is, the United States.

I was born and reared in Peoria, Illinois. Obtained my education there plus college work in Chicago after serving three years with the Army in Europe. I am 39 and the father of three children. Vice chairman of my church and active in civic affairs.

If you will give me the chance to work with CCBS, I shall be forever grateful.

Very truly yours,



L. E. Mc Donald  
1102 E. 14th St.  
Lombard, Illinois

Tele: Mayfair 7-8070

# SOUTHLAND INDUSTRIES, INC.



50,000 WATTS CLEAR CHANNEL

TELEVISION CHANNEL 4



SAN ANTONIO 6, TEXAS

JAMES M. GAINES  
PRESIDENT

January 24, 1961

Mr. Edwin W. Craig,  
Chairman of the Board  
National Life and Accident Insurance Company  
National Building  
Nashville 3, Tennessee

Dear Ed:

Your letter regarding CCBS has been received and, frankly, I am quite perplexed about the situation.

Certainly the long years of cooperative effort between all of us in CCBS has borne fruit, but I am wondering if the time has not arrived where the circumstances concerning the open directorship, the changes in the FCC, and the apparent attitude of the remaining FCC members combine for us to take a good hard look at the odds.

It has been my impression that the FCC in its last two votes has split, not on a question of breaking down the Clear Channels, but on a question of whether to break down all of them or just half of them. If that is true, it seems to me that the ultimate decision has been made to break them down, and now it's just a question of detail. Sooner or later they will all get the same treatment I am sure.

However, on the daytimers front there is still much to be done, and this is an important consideration.

I'm quite sure that the new Chairman will plunge into this problem almost immediately since it has been hanging fire for so long, and this will be the exact period of time that we will try to indoctrinate a new director, so we arrive at a point down the line where the Chairman has made up his mind at about the time our director is effective in the field. This seems to be a tough situation for us.

I would be the last person in the world to take a defeatist course

*Tell how others stand*

Mr. Edwin W. Craig

January 24, 1961

in this matter, but it seems that circumstances have combined against us and I wonder if you have any thinking regarding the points that I have raised.

With all good wishes and kindest personal regards.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim", with a large, looping flourish extending downwards and to the left.

James M. Gaines

WGN INC.

441 North Michigan Avenue · Chicago 11, Illinois · Telephone Michigan 2-7600

Channel **9** TELEVISION

RADIO 720 on your dial



January 26, 1961

Dic. 1/24/61

Mr. Edwin W. Craig, Chairman of the Board  
The National Life and Accident Insurance Company  
National Building  
Nashville 3, Tennessee

My dear Ed:

That was a fine letter you sent to our CCBS membership. It should do the job for us and at an early date.

Please be assured I will be very happy to meet with you anywhere at any time you say, Ed.

Kindest personal regards.

Sincerely,

A handwritten signature in blue ink that reads "Ward". The signature is fluid and cursive, written over a light blue horizontal line.

Ward L. Quaal  
Vice President  
General Manager  
WGN, Inc.

WLQ/rms

cc: John H. DeWitt, Jr.



# WBAP

THE STAR-TELEGRAM STATION

SINCE

1922

## AM-FM-TV

FORT WORTH TELEPHONE JE 6 1981

DALLAS TELEPHONE TA 7-9757

3900 BARNETT ST.  
FORT WORTH, TEXAS

January 23 1961

AMON CARTER  
FOUNDER  
1922-1955

AMON CARTER, JR.  
PRESIDENT

HAROLD HOUGH  
DIRECTOR

ROY BACUS  
MANAGER

NBC  
50,000 WATTS  
820 KC.

ABC  
5,000 WATTS  
570 KC.

TELEVISION  
CHANNEL 5  
BASIC NBC

FREQUENCY  
MODULATION  
96 3

Mr Edwin W Craig  
The National Life and Accident  
Insurance Company  
Nashville 3 Tennessee

Dear Ed:

First, let me say that Gale Gupton made us a wonderful director. You certainly made a wise decision in sending him to Washington.

Second, I know that Ward and some of the other folks are anxious to get a new man in the office; this will be up to you. My decision in this would not be worth while anyway because I am not as well acquainted with those in Washington as some of the other members.

If an early meeting is called, I would probably not be able to attend as my doctor has me under wraps for a while. I do hope I get released soon but right now I am taking too much stuff to clear last year's trouble. If the boys agree on someone, please consider this letter as my proxy if it is needed.

Financially, as of January 1, 1961 we had a balance in the bank of \$8,152.96. We owe the law firm \$9,955.77 but all other current statements have been paid, so if you have a meeting, it will be necessary to issue a call for a percentage basis per station or a special assessment because we will have to have some income anyway before our regular meeting in May.

I do hope the new group in Washington recognizes the clear channels - it would certainly be a great loss after all these years to have them break down the channels and deprive radio service to so many.

It was nice to hear from you. Call me any time.

Sincerely,



Harold Hough

PETERS, GRIFFIN, WOODWARD, INC., *National Representatives*

WBAP SHARES FREQUENCIES WITH WFAA. THE TWO STATIONS MAINTAINING CONTINUOUS SERVICE ON 820 KC. AND 570 KC.

# WJR

THE GOODWILL STATION, INC.  
FISHER BUILDING · DETROIT 2, MICHIGAN

January 26, 1961

JOHN F. PATT  
CHAIRMAN OF THE BOARD

1243 STATLER HOTEL  
CLEVELAND 1 OHIO  
PROSPECT 1 8343

---

Confidential

Mr. Edwin W. Craig  
Chairman of the Board  
The National Life and Accident Insurance Company  
National Building  
Nashville 3, Tennessee

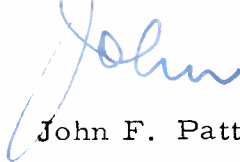
Dear Ed:

I thoroughly concur with the views expressed in your letter of January 18.

We would like to see the Executive Committee employ a new director at the earliest possible date.

With kindest regards,

Sincerely,



John F. Patt

BARRY BINGHAM  
*President*

MARK F. ETHRIDGE  
*Vice-President*

LISLE BAKER, JR.  
*Vice-President*

## W H A S INC.

LOUISVILLE 2, KENTUCKY  
TEL JUNIPER 5-2211

VICTOR A. SHOLIS  
*Vice-President and Director*

January 23, 1961

Mr. Edwin W. Craig  
Chairman of the Board  
National Life & Accident Insurance Co.  
National Building  
Nashville 3, Tennessee

Dear Ed:

It seems to me that after all these years and our substantial investment, we should not jump ship now especially since the principle remains as sound today as it was more than twenty odd years ago.

To that end, we are in favor of obtaining a new director.

Warm regards,



Victor A. Sholis

VAS;jms



CROSLY BROADCASTING CORPORATION  
CROSLY SQUARE  
CINCINNATI

JAMES D. SHOUSE  
CHAIRMAN OF THE BOARD

January 24, 1961

CONFIDENTIAL

Mr. Edwin W. Craig, Chairman  
The Nat'l. Life and Accident Insurance Co.  
National Building  
Nashville 3, Tennessee

Dear Ed:

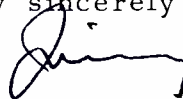
I am sorry indeed to learn that Gayle Gupton has completed his agreed upon tenure in Washington in behalf of the Clear Channels, and certainly feel that this is not the time to just let the matter drift. This, as we have found out over the years, is a very difficult job to fill but I do not think we have any alternative other than to do so.

The problem of course is who to get? One area that we might explore lies in the situation caused by the change in Administration. There might be some very high classed, well thought of man, who has been in Government and would like to stay on in Washington. I do not think that the fact that a director of the Clear Channel Service is a Democrat or a Republican is in itself important enough to rule out a good and well thought of former member of the old Administration.

Perhaps we might all of us give some thought to this approach as it just could be that we could currently get the services of a superior person of a calibre that might not previously <sup>have</sup> been available to us. Would like to hear from you about this.

As always my warmest regards.

Very sincerely



# WHAM

ROCHESTER • 201 HUMBOLDT STREET • ROCHESTER 3, NEW YORK HU 2-1160

50,000 WATTS  
1A CLEAR CHANNEL  
1180 KC

SINCE 1922

January 31, 1961

Mr. Edwin W. Craig  
Chairman of the Board  
The National Life & Accident Insurance Company  
National Building  
Nashville 3, Tennessee

Dear Mr. Craig:

I share your opinion as to the excellent service performed by Gayle Gupton and would deem it advisable to continue his functions. Actually, it was my impression that the directorship of the Clear Channel Broadcasting Service was temporarily open, pending screening of applicants.

I shall appreciate being kept advised as to reactions from other stations.

With most cordial good wishes,

Sincerely,

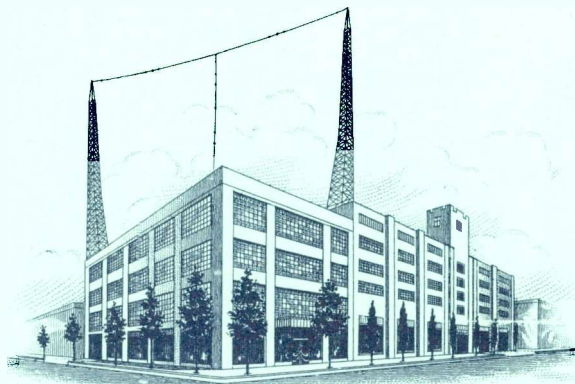


Richard C. Shepard  
General Manager

na

RADIO STATION  
KFI

SAN FRANCISCO 9  
LOS ANGELES 15



*Carle C. Anthony, Inc.*

SINCE 1904

DISTRIBUTOR OF

**MOTOR CARS**

Los Angeles 15

January 26, 1961

(Our 56th Year)

Mr. Edwin W. Craig  
National Building  
Nashville 3, Tennessee

Dear Mr. Craig:

I was very much pleased to receive your letter of January 18th bringing us up to date on the Clear Channel broadcasting service matter, and I have since had an opportunity to again discuss this with Mr. Anthony.

Both of us feel that it is a matter of extreme importance that we secure the services of a qualified executive secretary to represent us in Washington. It is therefore our hope that the Executive Committee will be able to come up with a good man at the earliest possible time. As far as KFI is concerned, we are most happy and willing to leave the matter in the hands of you and the Executive Committee.

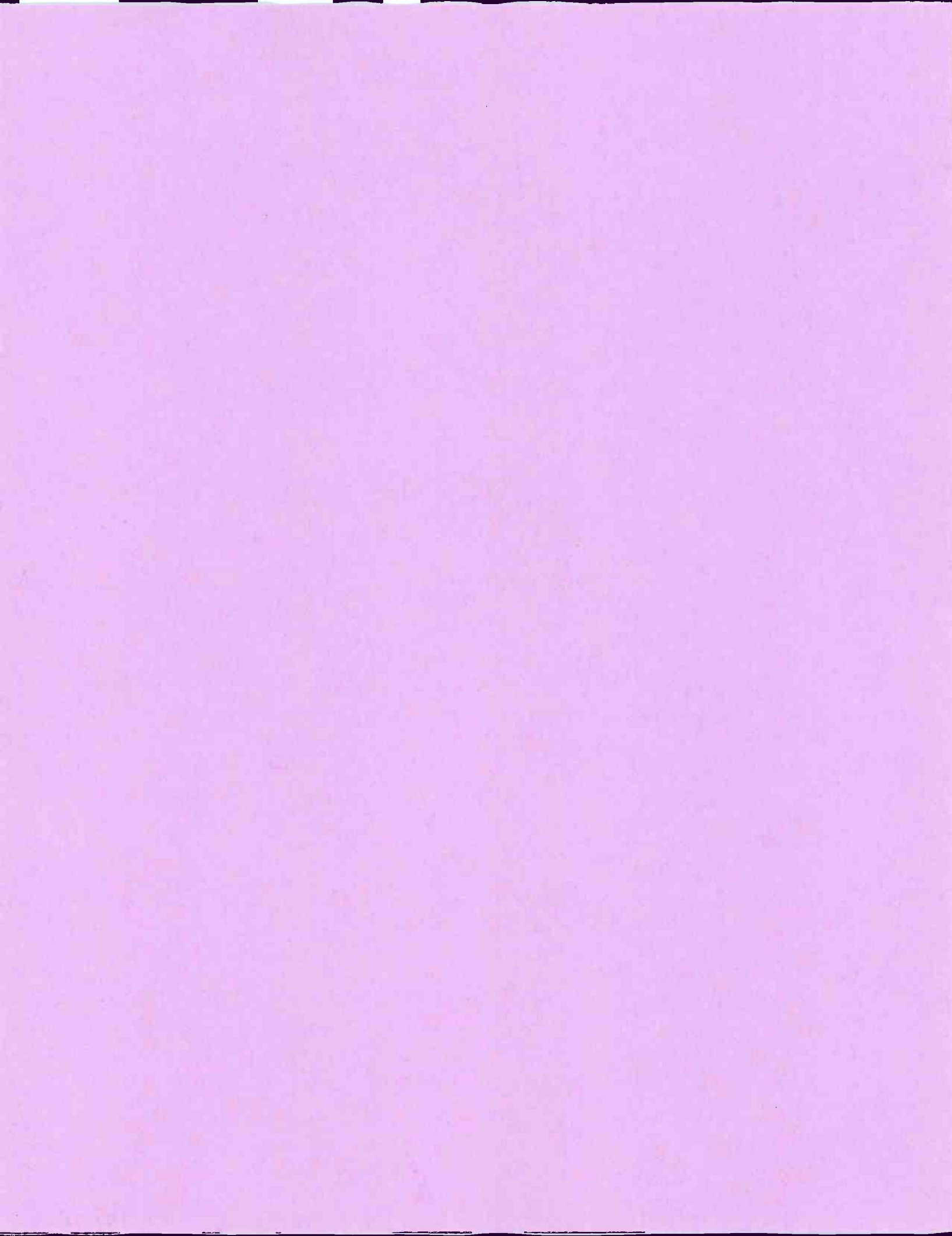
We quite agree with you that it would be a tragedy to break down the channels and thus deprive so many millions of people of radio service. Let us therefore continue to do everything in our power to prevent this.

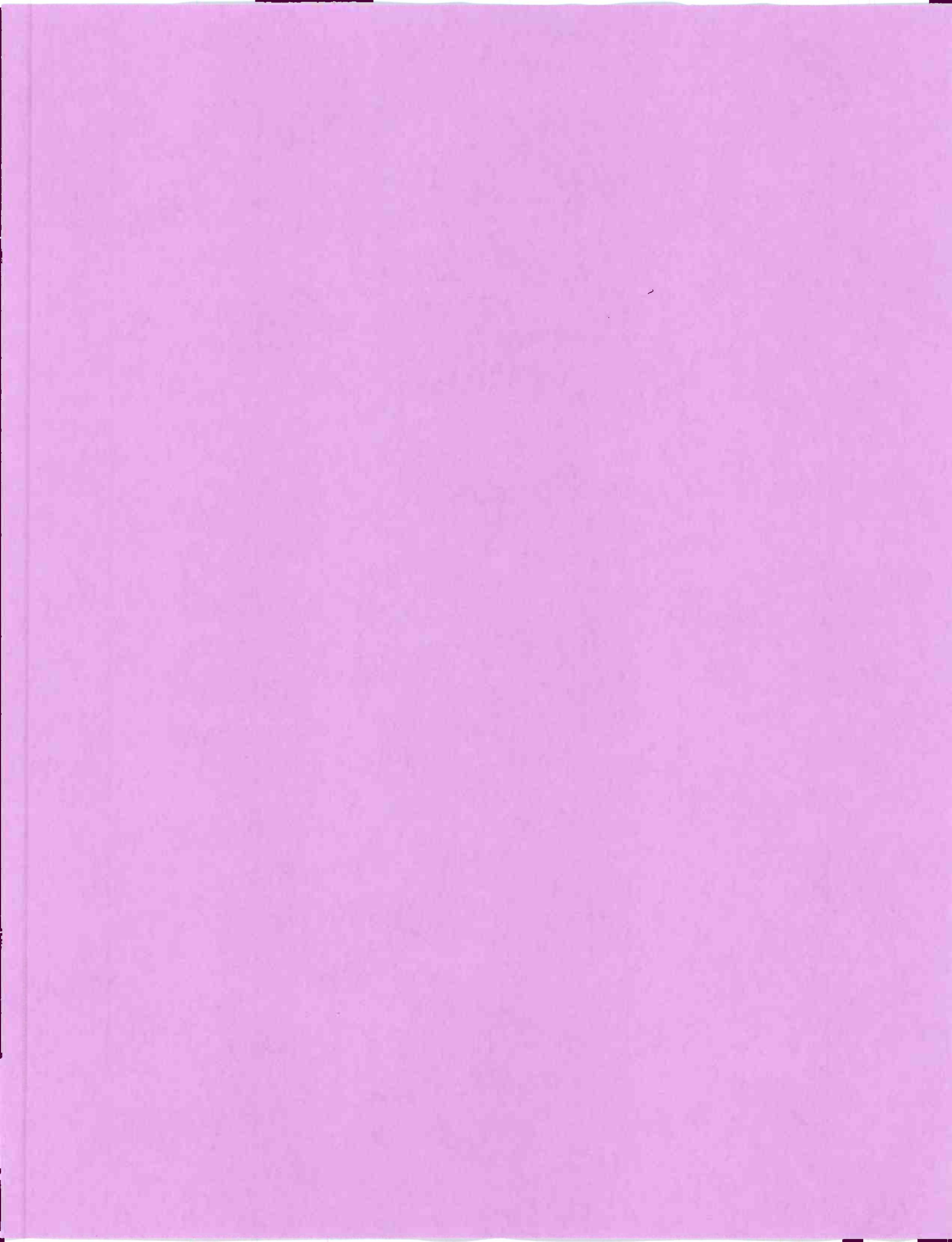
With very best personal regards,

Sincerely,

  
George A. Wagner  
Executive Vice President

GAW als  
cc: Mr. Reed Rollo  
Mr. Charles Hamilton







AM-FM-TV

FORT WORTH TELEPHONE JE 6-1981

DALLAS TELEPHONE TA 7-9757

3900 BARNETT ST.  
FORT WORTH, TEXAS

AMON CARTER  
FOUNDER  
1922-1955

AMON CARTER, JR.  
PRESIDENT

HAROLD HOUGH  
DIRECTOR

ROY BACUS  
MANAGER

June 12, 1961

NBC  
50,000 WATTS  
820 KC.

Mr. John H. DeWitt, Jr.  
Radio Station WSM  
Nashville, Tennessee

Dear Jack:

ABC  
5,000 WATTS  
870 KC.

I reported to Mr. Hough the plan for the clear channels as outlined at the recent meeting, and he said he hoped it was the answer.

TELEVISION  
CHANNEL 5  
BASIC NBC

It looks from here that we are standing by for further developments.

FREQUENCY  
MODULATION  
96 3

Thanks for the fine hospitality during the visit. My best regards to you, Johnie and George.

Sincerely yours,

Rupert Bogan

RB:sj

cc: file

PETERS, GRIFFIN, WOODWARD, INC., *National Representatives*

WBAP SHARES FREQUENCIES WITH WFAA. THE TWO STATIONS MAINTAINING CONTINUOUS SERVICE ON 820 KC. AND 570 KC.



# AM-FM-TV

FORT WORTH TELEPHONE JE 6-1981

DALLAS TELEPHONE AN 2-5224—AN 2-4622

P. O. BOX 1780  
OFFICES AND STUDIOS 3900 BARNETT STREET  
FORT WORTH, TEXAS

April 24, 1961

AMON CARTER  
FOUNDER  
1922-1955

AMON CARTER, JR.  
PRESIDENT

HAROLD HOUGH  
DIRECTOR

ROY BACUS  
MANAGER

WBAP-820  
50,000 WATTS  
NB

WBAP-570  
5,000 WATTS  
ABC

WBAP-TV  
CHANNEL 5  
NB

WBAP-FM  
96.3

Mr John H DeWitt Jr  
Station WSM  
Nashville Tennessee

Dear Jack:

Enclosed is a check from the Clear Channel Broad-  
casting Service in payment for expenses of Johnie  
S Campbell for the work he did in the period of  
November 23, 1959 through April 18, 1960 which  
amounted to \$3,322.17. Under the formula arrangement  
we deducted 7.8% of this amount for WSM's share, and  
are sending you a check in the amount of \$3,063.04.  
This is long overdue and we trust this amount will  
clear up this CCBS obligation.

We enjoyed your short visit a few weeks ago, and I  
do hope I'll see you in Washington next month. Under-  
stand the CCBS meeting is Sunday afternoon.

Best wishes.

Sincerely,

Harold Hough

HVH:b  
Encl. Check # 4495  
\$3,063.04

*Rest - check to Susie - 4-27-61*

PETERS, GRIFFIN, WOODWARD, INC., National Representatives

MEMORANDUM

June 6, 1961

TO: THE HONORABLE HUFORD ELLINGTON

FROM: JOHN H. DEWITT, JR.

The story on page 5 of the attached copy of the latest issue of Broadcasting Magazine would indicate that we are much closer to a highly unfavorable decision in the clear channel case than I had suspected. This magazine is usually accurate in its reporting and I suspect that this information has come from within the Federal Communications Commission.

The FCC is working actively with the Defense Department (Air Force) to perfect a communications backup system in case of an all out emergency in which wire lines in certain parts of the country might be destroyed. WSM and other members of the clear channel group are at the present time experimenting with the use of our clear channels for this purpose with the full approval of the Air Communications Officer and the office of the Chief Engineer of the FCC. Commissioner Bob Bartley (the nephew of Mr. Sam Rayburn) has been designated as the Defense Commissioner. I am attending a meeting with him, Commissioner Lee, Air Force and Defense Department representatives in Pittsburgh on Friday to discuss the possibility of a backup system. I cannot go into this further for the details are classified.

We have already done enough work in this direction to realize that if the clear channels are duplicated it will largely destroy the possibility of developing such a system. In our opinion it would be a tragedy at this time for the Commission to make the decision indicated in the attached article. Certainly they should wait until more information is available on the possibility of developing a backup system of clear channels as they now exist.

---

JHD:ab



WGN INC.

Channel **9** TELEVISION

RADIO 720 on your dial



441 North Michigan Avenue • Chicago 11, Illinois • Telephone Michigan 2-7600 **May 31, 1961**

**Dec. 5-26-61**

Miss Bernice Hase  
Clear Channel Broadcasting Service  
Shoreham Building  
Washington 5, D. C.

Dear Bernice:

Thank you for your note of May 24, together with the enclosure of copies of telegrams dispatched to the Federal Communications Commission on May 15 by the Grange, the National Council and the Farm Bureau.

Orion Samuelson and I hosted a luncheon today for Mr. Shuman, President of the Farm Bureau, and for Jack Angell, his Public Information Chief. They toured our structure and received, of course, our thoughts on a good many matters involving the radio industry. Fortunately, in television as in radio, WGN, Inc. leads not only all stations in this area, but in the country, at least in the volume of farm service programming. I think at times we have a long way to go on the quality of our television presentations, but, in radio, I think we have reached the point where we have done well in emulating Mr. DeWitt and his fine operation. Because of this, Mr. Shuman is favorably impressed about the Clear Channel story as it involves stations like WGN, WSM and WJR, but is not happy about certain "clears". That is why the terse telegram, dated May 15, was dispatched above his signature. I told him that this did us more harm than good and he is now going to see what he can do to repair the "damage".

The telegram he dispatched is contradictory in that in Point 1 it stresses the assurance of maximum radio coverage to farmers, but in Point 2 he minimizes the importance of area coverage and dwells on the need for evaluation of standards of programming. Certainly we can take no exception to his position on improved program practices, but I don't think there is much point in our having a farm service at WGN if we can only get as far north as Lake Forest. In short, we will get some supplementary

C  
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P  
Y

Miss Bernice Hase, CCBS -- 2

May 31, 1961

"correspondence" from Shuman.

Best wishes and many thanks, Bernice.

Sincerely,



Ward L. Quaal  
Executive Vice President  
General Manager  
WGN, Inc.

WLQ/ck

cc: John H. DeWitt, Jr. ✓  
Reed T. Rollo, Esq.  
R. Russell Eagan, Esq.  
Orion Samuelson

CLEAR CHANNEL BROADCASTING SERVICE  
SHOREHAM BUILDING  
WASHINGTON 5, D. C.

XXXXXXXXXXXXXXXXXXXX

March 20, 1961

C  
O  
P  
Y

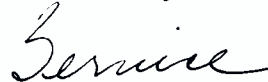
Mr. Edwin W. Craig  
Chairman of the Board  
National Life & Accident Insurance Co.  
Nashville, Tennessee

Dear Mr. Craig:

Attached hereto is a copy of the letter that was sent out today to the following people:

KFI	George Wagner - copy to Charles Hamilton
WBAP	Harold Hough - copy to Roy Bacus
WFAA	James Moroney, Jr. - copy to George Utley and Mike Shapiro
WHAM	Richard Shepard - copy to Irving Gross
WHAS	Victor A. Sholis
WNO	Ralpn Evans - copy to Paul Loyet
WJR	John Patt - copy to Worth Kramer
WLW	James Shouse - copy to Robert Dunville
WOAI	Hugh Halff, Jr., - copy to James Gaines
WSB	Leonard Reinsch - copy to Frank Gaither

Sincerely,



Bernice Hase  
CCBS

cc: Mr. DeWitt  
Mr. Quaal  
Mr. Rollo  
Mr. Eagan

Encl.

XXXXXXXXXXXXXXXXXXXX

March 10, 1961

Mr. Robert ...  
Chairman of the Board  
National ...  
Nashville, Tennessee

Dear Mr. ...

Enclosed is a copy of the ...  
to the ...

George ...  
AA  
Mr. ...  
Leon ...

*[Handwritten signature]*  
Name as

cc. Mr. ...  
Mr. ...  
Mr. ...  
Mr. ...

Encl.

COPY

CLEAR CHANNEL BROADCASTING SERVICE  
SHOREHAM BUILDING  
WASHINGTON 5, D. C.

March 20, 1961

C  
O  
P  
Y


Mr. George Wagner  
Executive Vice President  
Earle C. Anthony, Inc.  
1000 South Hope Street  
Los Angeles 15, California

Dear Mr. Wagner:

You will receive shortly from the NAB ballots for the election of Radio Board members. I understand these ballots are to be returned by April 6 and announcements of the results will be made April 7. Nominees for Director-at-Large for Large Stations are John H. DeWitt and John Hayes.

This letter is being sent to remind you to cast your vote for Mr. DeWitt.

Sincerely,

  
Bernice Hase  
CCBS

cc: Mr. Hamilton  
Mr. Rollo  
Mr. Eagan

March 14, 1961

R. Russell Eagan, Esq.  
Kirkland, Ellis, Hodson,  
Chaffetz & Masters  
16th & K Streets, N. W.  
Washington 6, D. C.

Re: CCBS

Dear Russ:

Yesterday Jack DeWitt and I, acting with full authority of the Executive Committee and the general membership of CCBS, met in Chicago and reviewed the applications for the post of CCBS Director. Today Jack is talking with Mr. Craig and Harold Hough in regard to our "findings", and we should be able to advise you and the general membership of the final decision within the matter of the next 48 hours.

You acted very properly in reserving a room at the Sheraton Park for the annual CCBS meeting for 4:00 p.m. Sunday, May 7th. I think that a meeting at that hour is superior to a breakfast session Monday, Tuesday, or Wednesday. I am sure the group will find this arrangement wholly satisfactory.

Jack and I reviewed also the matter of the monies due your firm from CCBS. We are addressing ourselves to this area with Mr. Hough, and there should be a resolution of the present stalemate at an early date.

Best regards.

Sincerely,



Ward L. Quaal  
Vice President  
General Manager  
WGN, Inc.

WLQ/rms

cc: John H. DeWitt, Jr. ✓

June 14, 1961

Mr. Harold Hough  
Station WBAP  
Fort Worth, Texas

Dear Harold:

Yesterday I talked with Arch Madsen who called to apologize for not attending our engineering committee meeting here in Nashville on June 5th. He told me that he had had difficulty in bringing KSL into the group but he expected to do so sometime in the future. He didn't explain further and of course I did not pursue the matter.

J. D. Bloom of WWL told me while in Nashville recently that they had "fired" Paul Segal as their attorney and that he expected WWL to come back into the group at an early date.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

cc: Mr. E. W. Craig  
Mr. Russ

C  
O  
P  
Y

May 29 1961

Mr R Russell Eagan  
KIRKLAND, ELLIS, HODSON  
CHAFFETZ & MASTERS  
World Center Building  
Washington 6 D C

Dear Russ:

In answer to your letter about Station KSL.  
I have heard nothing from them. I notice you  
have sent a copy of your letter to Jack Dewitt  
and I am sure that he, as a representative of  
Mr Craig, will follow through on KSL. I would  
not think that we should add them to our mailing  
list until we hear from them or know more about  
it.

As to the CCBS lease - I don't see how we can  
do anything about the space in the Shoreham  
Building at this time. It seems to me we will  
just have to continue on a month-to-month basis  
and then if matters change or whatever is in the  
mill at that time, we can adopt.

Thanks for your letter.

Sincerely,

  
Harold Hough

HVE:b

cc: Messrs. DeWitt and Quaal

*Jack  
Up to U*



Telefax

# WESTERN UNION

SENDING BLANK

Telefax

CALL  
LETTERS FFR PD

CHARGE  
TO WSM, Inc. 6/13/61

Following to receive message -

Mr. G.F. Leydorf  
211 Savings & Loan Bldg.  
Birmingham, Michigan

Mr. Don Parker  
Station WHAM  
Rochester, New York

Mr. Jim Cooper  
Station WFAA  
Dallas, Texas

Mr. J. D. Bloom  
Station WWL  
New Orleans, La.

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD

*Telex*

# WESTERN UNION

SENDING BLANK

*Telex*

CALL  
LETTERS

FFR PD

CHARGE  
TO

WSM, Inc. 6/13/61

In spite of what you may have heard out of Washington I am advised it is essential for our group to request permission to experiment along the lines discussed at our meeting as quickly as possible. I am sending you today a memo and letter outlining details. Was told over the phone from Washington today that this should be carried out with utmost speed. Best regards.

Jack DeWitt

Send the above message, subject to the terms on back hereof, which are hereby agreed to

**PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD**

1269—(R 4-55)

# ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeat message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeat message and paid for as such, in consideration whereof it is agreed between the sender of the message and the Telegraph Company as follows.

1. The Telegraph Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeat-message rate beyond the sum of five hundred dollars, nor for mistakes or delays in the transmission of delivery, or for non-delivery, of any message received for transmission at the repeated-message rate beyond the sum of five thousand dollars, unless specially valued; nor in any case for delays arising from unavoidable interruption in the working of its lines.

2. In any event the Telegraph Company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the actual loss, not exceeding in any event the sum of five thousand dollars, at which amount the sender of each message represents that the message is valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid and an additional charge equal to one-tenth of one per cent of the amount by which such valuation shall exceed five thousand dollars.

3. The Telegraph Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.

4. The applicable tariff charges on a message destined to any point in the continental United States listed in the Telegraph Company's Directory of Stations cover its delivery within the established city or community limits of the destination point. Beyond such limits and to points not listed in the Telegraph Company's Directory of Stations, the Telegraph Company does not undertake to make delivery but will endeavor to arrange for delivery by any available means as the agent of the sender, with the understanding that the sender authorizes the collection of any additional charge from the addressee and agrees to pay such additional charge if it is not collected from the addressee.

5. No responsibility attaches to the Telegraph Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Telegraph Company's messengers, he acts for that purpose as the agent of the sender, except that when the Telegraph Company sends a messenger to pick up a message, the messenger in that instance acts as the agent of the Telegraph Company in accepting the message, the Telegraph Company assuming responsibility from the time of such acceptance.

6. The Telegraph Company will not be liable for damages or statutory penalties when the claim is not presented in writing to the Telegraph Company: (a) within forty days after the message is filed with the Telegraph Company for transmission in the case of a message between points within the United States (except in the case of an intrastate message in Texas) or between a point in the United States on the one hand and a point in Alaska, Canada, Mexico, or St. Pierre-Miquelon Islands on the other hand, or between a point in the United States and a ship at sea or in the air; (b) within 180 days after the cause of action, if any, shall have accrued in the case of an intrastate message in Texas, and (c) within 180 days after the message is filed with the Telegraph Company for transmission in the case of a message between a point in the United States and a foreign or overseas point other than the points specified above in the paragraph; provided, however, that this condition shall not apply to claims for damages or overcharges within the purview of Section 415 of the Communications Act of 1934, as amended.

7. It is agreed that in any action by the Telegraph Company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.

8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.

9. No employee of the Telegraph Company is authorized to vary the foregoing.

4-54

## CLASSES OF SERVICE

### DOMESTIC SERVICES

#### TELEGRAM

The fastest domestic service.

#### DAY LETTER (DL)

A deferred same-day service, at low rates.

#### NIGHT LETTER (NL)

Economical overnight service. Accepted up to 2 A. M. for delivery the following morning, at rates lower than the Telegram or Day Letter rates.

### INTERNATIONAL SERVICES

#### FULL RATE (FR)

The fastest overseas service. May be written in code, cipher, or in any language excepted in Roman letters.

#### LETTER TELEGRAM (LT)

For overnight plain language messages, at half-rate. Minimum charge for 22 words applies.

#### SHIP RADIOGRAM

For messages to and from ships at sea.

WMAQ

~~WGN~~

~~WSB~~ 730 → 750

WJR

KFMB

WBBM

WCBS

WLS

KDKA

WBZ HA

KYW

KMOX

WHAM

WCAU

Idaho ✓

Verona or Idaho

Anchorage A.

San Diego  
540 -

Verona -

N. Dak  
S. " Feb

Utah

N. Mex

Wyo.

Colo.

Cal. Ore

Mont.

Kens Feb  
or other

Friday

~~28~~ by 11 1/2

\$ 18m - 2m

30 days

WSM

KFI

WNBC

WLW

WABC - KOB

WBAP - WFAA

WCCO

WTHS

WHL

WTO

WISN

WCAJ

WGN INC.

Channel **9** TELEVISION

RADIO 720 on your dial



441 North Michigan Avenue · Chicago 11, Illinois · Telephone Michigan 2-7600

June 7, 1961

Dec. 6-4-61

C  
O  
P  
Y

Mr. Arch L. Madson, President  
Radio Service Corporation of Utah  
EEL - Radio - Television  
145 Social Hall Avenue  
Salt Lake City 11, Utah

Dear Arch:

Your thoughtful note of May 29 is so very much appreciated.

I am grateful for your generous remarks regarding the NAB Labor Clinic during the course of our recent convention. The response to it has been very rewarding. In fact, in all my years of service in connection with the NAB, nothing has pleased me more than this assignment, but, ironically, it is one that I have to resign in the near future, Arch, because of its time-consuming nature. I have now served almost five years on the NAB Labor Committee and I have been its Chairman for four years and, in deference to my own company, I must step aside. I am grateful, however, that such a valued and respected friend as you feels that we have done something in behalf of the industry in the all-important labor area.

I am proud of our Public Affairs Department for winning, for the third consecutive year, the Alfred P. Sloan Award on traffic safety. Ours, as you know, is a most unusual operation, all made possible because of the total autonomy I enjoy from the Chicago Tribune. Years ago, long before I had any management responsibility, I was a young announcer under Dick Richards of WJR, Detroit. This was almost 25 years ago and he used to say to me frequently: "Ward, public service is good business." He was right then and all of us who have followed that sound concept from that date to the present have never gone wrong.

Also, Arch, I am grateful for your remarks about my being named Executive Vice President of WGN, Inc. As you know I have full responsibilities for the entire Chicago Tribune activity in radio and television and I was pleased that the Board saw fit to recognize me in this way. Even more

Mr. Arch L. Madsen  
KSL, Salt Lake City, Utah -- 2

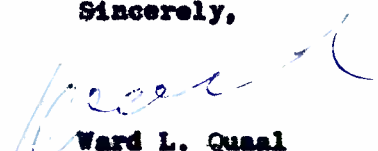
June 7, 1961

important, of course, to me is the autonomy of which I have spoken earlier in this note.

Arch, it was such a pleasure to see you in Washington and to have a chance once again to personally congratulate you on what you did in your relatively short time at AMST. You made a very dynamic and effective contribution. I know that under your leadership KSL Radio and Television will do even more to serve better the area of the great Rocky Mountain West. In this regard, let me say that I continue to be extremely concerned about the clear channel phase and hope that your great radio operation will join others of us in the clear channel family in the battle to save what is very basic to the radio "economy" of the nation.

Kindest personal regards and much appreciation, Arch.

Sincerely,



Ward L. Quaal  
Executive Vice President  
General Manager  
WGN, Inc.

WLQ/ck

bcc: Harold Hough  
John H. DeWitt, Jr. -  
Reed T. Rollo, Esq.  
R. Russell Eagan, Esq.



CLEAR CHANNEL BROADCASTING SERVICE  
SHOREHAM BUILDING  
WASHINGTON 5, D. C.

XXXXXXXXXXXXXXXXXXXX

May 24, 1961

C  
O  
P  
Y


Mr. Ward L. Quaal  
Exec. Vice Pres. & Gen. Mgr.  
WGN, Inc.  
2501 West Bradley Place  
Chicago 18, Illinois

Dear Mr. Quaal:

I am enclosing copies of the telegrams that were sent to the Chairman of the FCC on May 15 by the Grange, Council and Farm Bureau.

Roy Battles had called me regarding the telegrams or a joint telegram before they met to discuss it. I told him to check it out with Mr. Rollo before doing anything. I assume that he did that. He asked me to keep him advised as to any action the Commission takes.

Sincerely,

  
Bernice Hase

Encls.

cc: Mr. DeWitt  
Mr. Rollo  
Mr. Eagan

MAY 15, 1961

MR. NEWTON H. MINOW  
CHAIRMAN  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

AT A CONFERENCE TODAY OF REPRESENTATIVES OF NATIONAL FARM ORGANIZATIONS, INCLUDING THE NATIONAL COUNCIL OF FARMER COOPERATIVES, ATTENTION AGAIN WAS FOCUSED ON THE ISSUE OF CLEAR CHANNEL BROADCASTING, PENDING BEFORE THE FEDERAL COMMUNICATIONS COMMISSION FOR ALMOST FIFTEEN YEARS.

THE NATIONAL COUNCIL, ON BEHALF OF THE APPROXIMATELY 2,750,000 FARMER MEMBERSHIPS SERVED BY OUR MEMBER ORGANIZATIONS, JOINS WITH OTHER FARM GROUPS IN URGING YOU, AS THE NEW CHAIRMAN OF THE FCC, TO GIVE CAREFUL CONSIDERATION TO THE FOLLOWING ASPECTS OF THIS QUESTION OF SUCH VITAL IMPORTANCE TO RURAL FAMILIES. MILLIONS OF FARM FAMILIES DEPEND PRIMARILY ON RADIO AS A SOURCE OF TIMELY INFORMATION ON MARKETS, WEATHER, PRODUCTION AND MARKETING PRACTICES AND OTHER DATA ESSENTIAL TO EFFICIENT OPERATION OF THEIR FARMS. THE NATIONAL COUNCIL FOR MANY YEARS HAS GIVEN VIGOROUS SUPPORT TO CLEAR CHANNEL BROADCASTING AS THE BEST MEANS OF ASSURING RADIO SIGNALS OF ACCEPTABLE QUALITY TO RURAL AUDIENCES, PARTICULARLY AT NIGHTTIME IN REMOTE AREAS. WE URGENTLY RECOMMEND THAT YOU REVIEW THE TESTIMONY AND WRITTEN STATEMENTS SUBMITTED BY THE COUNCIL DURING THE PAST SEVERAL YEARS IN THE COURSE OF HEARINGS RELATED TO CLEAR CHANNEL BROADCASTING, BEFORE TAKING ACTION IN THIS MATTER.

YOUR RECENT SPEECH REGARDING DESIRABLE IMPROVEMENTS IN THE QUALITY OF TELEVISION PROGRAMMING GAVE RISE TO SINCERE HOPES ON THE PART OF AGRICULTURE THAT YOU WILL DIRECT SIMILAR EFFORTS AT IMPROVING BOTH RURAL RADIO SERVICE AND THE QUALITY OF ITS PROGRAMMING. THE NATIONAL COUNCIL STANDS/TO MEET WITH YOU OR MEMBERS <sup>READY</sup> OF YOUR STAFF AT ANY TIME OUR VIEWS CAN BE OF VALUE IN THE MAINTENANCE OF ADEQUATE RADIO SERVICE FOR THE FARMERS WE SERVE.

HOMER L. BRINKLEY  
EXECUTIVE VICE-PRESIDENT  
NATIONAL COUNCIL OF FARMER COOPERATIVES

C O P Y

WESTERN UNION

HVH

PD

AMERICAN FARM BUREAU FEDERATION

MAY 15, 1961

NEWTON W. MINNOW, CHAIRMAN  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON 25, DC

OUR POSITION ON CLEAR CHANNEL PROCEEDINGS WAS ADDRESSED TO  
DOCKET NO. 6741 IN A LETTER TO COMMISSIONER FORD DATED DECEMBER 1  
1960. OUR INTEREST AS EXPRESSED THERE IS: (1) TO ASSURE MAXIMUM  
RADIO COVERAGE TO FARMERS, AND (2) TO SET AS THE PRINCIPAL  
CRITERIA FOR EVALUATION STANDARDS OF PROGRAMMING RATHER THAN  
AREA COVERAGE.

CHARLES B. SHUMAN PRESIDENT  
AMERICAN FARM BUREAU FEDERATION

C O P Y

TELEGRAM - May 15, 1961 - 4:25 p.m.

Hon. Newton N. Minnow, Chairman  
Federal Communications Commission  
Washington 25, D. C.

The pending clear channel radio decision was discussed today when leaders of several national farm organizations were together. Knowing of your primary concern that all Americans have available adequate radio service, it was decided that we should tell you of the paramount stake of rural people in the outcome of the clear channel case.

The position of the National Grange concerning this issue is a matter of record with the Commission. In short, there are literally millions of people living in remote rural regions who would be left with little or no adequate nighttime radio service if essential channels are duplicated.

We know of no other way of reaching these rural residents at night under the American system of broadcasting, except through the use of clear channels, supported by adequate power.

Farmers need and use radio for weather, markets, news and other timely farm information, as well as for entertainment, more than most other Americans. We have high hopes, in light of your recent speech, that you will improve rural radio quality of reception and quality of programs.

We stand ready to meet with you at your convenience to discuss this problem so vital to our people.

Respectfully yours,

Herschel D. Newsom, Master  
The National Grange

April 18, 1961  
Dictated 4/13/61

A. B. McCabe, Esq.  
Kirkland, Ellis, Hodson,  
Chaffetz & Masters  
16th & K Streets, N. W.  
Washington 6, D. C.

Re: WTAO Appeal

Dear Al:

In my absence on a brief holiday in the west, Carl Meyers responded to your communication of March 30 about this favorable action. Needless to say, I am equally delighted.

I want to congratulate you, Al, and your associates for your handling of this matter before the Court of Appeals. This welcome decision is one of the few "bright spots" we in CCBS have had in recent years.

Much appreciation and all good wishes.

Sincerely,



Ward L. Quaal  
Vice President  
General Manager  
WGN, Inc.

WLQ/s

cc: John H. DeWitt, Jr. ✓  
C. J. Meyers  
Edwin T. Sujack, Esq.

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

Mr. J. H. DeWitt, Jr.  
President  
Radio Station WSM  
Nashville, Tennessee

Dear Mr. DeWitt:

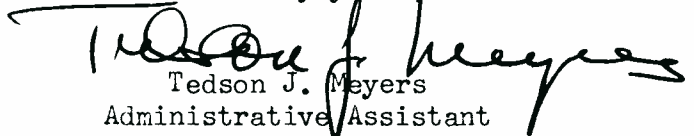
Mr. Minow has asked me to write to you in response to your kind offer to discuss with him some of the problems which he will be facing during the coming months - particularly, I understand, the Clear Channel proceeding.

I have observed that during this early stage of his work on the Commission the Chairman has decided to tackle this and other complex problems by patient study of the record. Thus, for the moment he believes it best to defer meeting with you.

I am sure, however, that just as soon as he has become thoroughly familiar with the proceeding he will be in touch with you.

Thanks very much for your interest.

Sincerely yours,

  
Tedsen J. Meyers  
Administrative Assistant  
to the Chairman

April 4, 1961

April 6, 1961

Mr. Leonard Reinsch  
Station WSB  
Atlanta, Georgia

Dear Leonard:

Enclosed is a copy of a letter which I received from Mr. Minow's assistant today. I am sure you will be interested in seeing this.

I greatly enjoyed my sojourn with you in Atlanta and especially the luncheon at the Capitol City Club with you, your son and Bob Holbrook.

Sincerely,

John H. DeWitt, Jr.

JHD:ab

April 6, 1961

Mr. Ward Quaal  
WGN, Incorporated  
441 North Michigan Avenue  
Chicago, Illinois

Dear Ward:

Enclosed is a copy of a follow up letter which I received today. I shall appreciate it if you will let me know your interpretation of it.

Best regards.

Sincerely,

John H. DeWitt, Jr.

JHD:ab



A Letter to Mr. John H. DeWitt, Jr.

Dear Mr. DeWitt:

Following our meeting in your office yesterday, Mr. Jarman, Mr. Dustin, and I talked over the matters covered and the following should clear up any areas that might have seemed vague.

DOUBLE SPACE AFTER ABOVE AND DRAW LINE

We propose to assist one or more of the clear channel stations to do a better job than has heretofore been possible to serve the public interest.

Recognizing that the new administration is more conscious of the need for a maximum understanding between the people and their government, we have had discussions with several appropriate Departments in Washington on matters pertaining to the cooperation between private enterprise and our government, and as we have reported to you we have confirmed the fact that the Secretary of Agriculture would be pleased to entertain a proposal to the effect that he would do a regular broadcast on an interview basis for one or more of the Clear Channel stations. The broadcast to be addressed to the farm public, of course, and cover in essence the service which the Department has rendered to the farm public during the preceding week and in so far as practical open<sup>up</sup> in a better way than heretofore has been possible a two way line of communication between the farmer and his Secretary in Washington. These specific conversations with the USDA have been carried on on our side by our associate Rufus Jarman and the writer.

As you know, Rufus Jarman is one of the better known writers, as well as being something of a performer, and is well and favorably known to the Secretary, having become quite close with Mr. Freeman during his campaign in Minnesota. Mr. Jarman has some comments to make which he thinks may answer John McDonald's question, "In what way will this be different from what we are already doing?" Jarman answered as follows: "Radio and Television interviews have the advantage of presenting the interviewees voice and image but almost always the disadvantage of so called "spontaneity" which means that the interview is useless, confusing, <sup>un</sup>comprehensive, and terribly dull. I know a few reporters who are able to constantly ferret out in an interesting and comprehensive way as they labor over the handicaps of trying not to ~~re~~ repeat themselves, using correct grammar, sounding intelligent, and not giving undue offence to some of the listeners. The interviewee often

has a worse time because he has not had the air time experience of his tormentor. If a man has just returned from a successful trip to the moon, he can, of course, not hardly say anything which is not interesting but if he is discussing more mundane things he is likely to become dull and unintelligible even to persons desperately concerned when he undertakes to do a regular thing like a report on agriculture to farmers off the cuff. I will not labor the fact that on the record there are only a few consistently top interviewers in journalism in all media and that none of these, of which ~~one~~ I happen to be one, works in the government of at the USDA. I believe ~~that~~ it very important to emphasize that the same kind of writing talent and digging is contemplated here for these programs that has tipified my work for the Saturday Evening Post, The Readers Digest, and other leading magazines and news papers. I believe that Orvill Freeman understands this and this is a big part of the reason why I believe our joint production will compare so favorably with the usual conned hand-outs from Washington whether they be platters <sup>or</sup> press releases. As a matter of fact, I am sure the product of these broadcasts would become widely quoted because they will not only be news worthy and feature worthy but also because for the first time they will make really complicated essential parts of our government activity understandable to all. We would research the subject ahead of time, use the information that had the greatest impact, interest, humor pathos, or what ever. We would write a dummy program using this information eliminating ~~redundancies~~ redundancies, often said thoughts, rantings, and general inefficiency of the usual interviews and make something that would interest everybody. Insert quotation

PUT DOUBLE SPACE AND LINE TEN SAY:

All of this Mr. DeWitt form this fellow ~~from~~ Jarman who just can't dedaw and I am sure you would agree.

I am assured that immediately this service to the Department of Agriculture and the farmers interst is commenced that all the fascilities of the Department that could be reasonably utilized will help ~~great~~ beat the drum to assist the free channels in building maximum audience among the farm public, in addition that ont only the Secretary but also the President and your Senator would cooperate with the White House Publicity meeting to recognise the significance of this cooperation by the enlightened broadcaster. Surely

the Clear Channels enjoy a very special and very important privilege over and above that accorded other stations. Surely the prime advantage that the public looks for is justification of same is the very special job they do in better serving and informing the more remote peoples ~~in~~ the farmers of our nation - in all matters including those of an especial professional nature. The government is ~~not~~ <sup>in</sup> a very real sense the partner of the farmer and surely it is his due to know and to feel that he is close to what the partner is ~~put~~ up to in serving his interest.

Although the troublesome Mr. Kruschev found little else to praise in our land ~~if~~ he did compliment ~~the~~ our farmer who is at once the most productive, the most well informed and the most troublesome farmer of all times any where. Troublesome perhaps because unlike most farmers in history he is a free man, he has opinions, <sup>and views</sup> and because he wants very much to be a part of what's going on. We are sure that the Clear Channels and the Secretary understand all of this and with the new administration and its unterrified approach to all the facets of government responsibilities including communications they will be deeply appreciative of the imagination, the professional know how and the deep sense of public responsibility which the clear channels will be expressing when they initiate the above ~~description~~ described project. The maximum can be accomplished only if this project is in no ~~single~~ sense political. I can assure you that we work in the matter with this understanding.

~~EXHIBIT LINES~~ RAW A LINE

We can understand that you will propose this project in Chicago on Monday, In the beginning we suggest a down payment of \$10,000 to cover our time and "set-up expense". After the program gets underway, we suggest that a payment of \$1,000 a month per cooperating clear channel station be assessed with the understanding that at ~~a~~ quarterly intervals all costs be reviewed and other arrangements be made as we know more. From actual operation based on our experience in working with a ~~my~~ number of departments in Washington in four administrations, we believe what we are suggesting here may become a very significant matter to the future of government and broadcasting relations. We believe it is proper that the leaders, the clear channel stations be the initiate and be the designers and architects of the means by which government and industry can better inform the people. We believe this is the place and the time to ~~go~~ begin. Sincerely, Sage Caswell Swanson

-- 5

eliminating the redundancies, half said thoughts, wanderings, and general inefficiencies of the usual "interview," and try to make something that would interest everybody.

We would submit this to me Freeman, allow him to formulate his answers to the various questions, insofar as his real feelings and his department's about policy. Then we would include in the answer the lively information we had already unearthed.

These programs would be in a series, perhaps one a week for perhaps 15 minutes a week. by which Mr. Freeman would talk from a prepared script over the clear channel stations to the farmers.

The programs would be designed so that they would, over a period of time produce an over-all comprehensive answer to the long range and short range matters that perplex farmers and the nation. In other words, at the completion of the series it would have presented a complete picture of the situation that analyzes its causes, present condition and proposes what is being done to improve it. And it would be interesting

And it would be made interesting enough to cause the farmers and others to talk about it enthusiastically, and perhaps we could unearth programs of sufficient interest that other news media would fasten upon them, in somewhat the way the Ap and the newspapers headline important information dredged from important people say over the air on Meet The Press etc.

These programs might take the form of interviews. Perhaps an agricultural expert from each participating station -- John McDonald for W SM etc. -- would propose the questions on succeeding programs.

Some mention<sup>1</sup> was made of my possible participation as a representative of The Unterrified Democrat, which I told you about yesterday. Of course, I would be glad to do that, but this is not what is important. I do not have to have any part whatever in the actual presentation.

We might print these programs so that farmers would get free copies be put on the mailing list and receive the entire series, like chapters in a book, if they wrote in for them. A writer in might receive all the foregoing programs, as well as those to come later on.

In this manner, we believe the Clear Channel <sup>stations</sup> could for the first time begin to give the people of the country -- in this instance the farmers -- a clear and comprehensive idea of what is going on in their profession.

The same thing could well be done for the Treasury Department. (We can explain, you know, in words that can be understood, the meaning of the gold fluctuations, etc.) Or <sup>The</sup> Labor Department, Defense Department, Commerce Department, etc. can all be handle in somewhat the manner of the above.

The principal idea is to make it interesting, make it comprehensive, make it so people can comprehend the condition of our Government, what the New Frontier is, how close we are to attaining it,

In that way, Clear Channel stations can render an vital service to the country. I do not believe that our system can survive much longer with the utter lack of knowledge that characterizes our voters.

April 13, 1961

Mr. L.E. McDonald  
1102 East 14th  
Lombard, Illinois

Dear Mr. McDonald:

Mr. Craig is attending a meeting in California at the present time and has asked that I reply to your letter of April 10th in regard to the clear channel job.

So far we have made no decision in this matter but we intend to consider it at the annual Clear Channel meeting in Washington on May 7th. If any decision is reached at that time, I shall be happy to let you know about it.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

*Mr De Witt*

*Please reply -*

*LD*  
April 10, 1961

Mr. Edwin W. Craig  
Chairman of the Board  
The National Life Ins. Co.  
National Building  
Nashville 3, Tennessee

Dear Mr. Craig,

It is two months now since I last heard from you in connection with obtaining employment with the Clear Channel group. Did you receive my letter from Mr. Quaal?

Perhaps the Executive Committee hasn't as yet had a chance to meet. If so, please excuse my impatience.

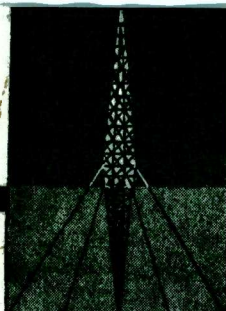
However, I suppose you can realize my concern, as I do so much want the opportunity. Hoping to hear from you soon.

Sincerely yours,

*Larry McDonald*  
L. E. McDonald  
1102 E. 14th  
Lombard, Illinois

P. S. Is my friend John Mc Donald still operating at the same stand? I heard him broadcast the other day on NBC Monitor.

RADIO STATION

DON RUSSELL  
PRODUCTION MANAGER
**WSM**  
 INCORPORATED

 50000  
 WATTS

650 KILOCYCLES NASHVILLE 3, TENNESSEE

\* \* \* CLEAR CHANNEL \* \* \*

April 11, 1961

Mr. Reed T. Tollo  
 Kirkland, Ellis, Hodson, Chaffetz & Masters  
 World Center Building  
 Washington 6, D.C.

Dear Reed:

This is in answer to your letter of April 6th regarding the proposed amendment of Section 3.182 of the FCC rules. I have discussed this with George Reynolds and Johnie Campbell and they both feel that this change will not hurt us so I see no reason why a filing should be made.

We are looking forward to being at your cocktail party at 4:00 PM Sunday, May 7th. I called Russ to see if it would be possible to change the time of the CCBS meeting to 3:00 PM in order that we would be able to reach your party at the proper time. Also Vic Sholis would like to have it changed for he would like to attend Sol Taishoff's party which would be starting around 4:00 PM. George Reynolds told me he would give you a list of WSM people who would be there so you will be hearing from him.

Best wishes,

Sincerely yours,

John H. DeWitt, Jr.

JD:ab





from GEORGE REYNOLDS

Jock -  
we do not feel  
this can hurt us



from JACK DEWITT

1. Mr Reynolds
2. Mr. Campbell

Please study  
\* let me know whether  
you think we should  
do anything on this  
for CCBS  
Just

LOUIS G. CALDWELL  
(189-1951)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
FREDERICK M. ROWE  
ALOYSIUS B. MCGABE

LAW OFFICES OF  
**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**

WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

April 6, 1961

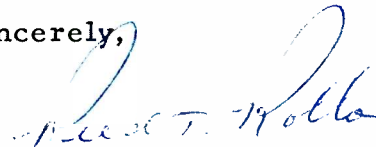
JOSEPH DuCOEUR  
RAYMOND G. LARROCA  
HOWARD P. WILLENS  
JOHN P. MANWELL

Mr. John H. DeWitt, Jr.  
WSM, Incorporated  
National Building  
Nashville 3, Tennessee

Dear Jack:

Yesterday the Commission announced that it was issuing a Notice of Proposed Rule Making looking toward amending Sec. 3.182-(w) of the AM Rules to delete the 30:1 ratio pertaining to interference between stations 20 kc apart and to rely upon the 2 mv/m and 25 mv/m overlap provision of the Rules to prevent degradation of AM broadcast service in the licensing of new stations. I doubt whether CCBS would be interested in filing comments in this proceeding but I am calling it to your attention in the event I should be mistaken. If you wish comments filed, please let me know at your earliest convenience since they are due on May 17.

Sincerely,



Reed T. Rollo

RTR:jmk  
cc Ward Quaal  
Carl J. Meyers

LOUIS G. CALDWELL  
(1891-1951)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
FREDERICK M. ROWE  
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LAW OFFICES OF  
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WORLD CENTER BUILDING - 16<sup>TH</sup> AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

April 12, 1961


JOSEPH DuCOEUR  
RAYMOND G. LARROCA  
HOWARD P. WILLENS  
JOHN P. MANWELL

Dear Jack:

We are hoping to have a short visit with all of our radio and television clients during the NAB convention and to accomplish this we are planning to serve cocktails in our office on Sunday, May 7 beginning at 5 p.m. We sincerely hope you will be among those present and would appreciate receiving from you the names of the people from your organization who will be attending the convention and whether we can count on seeing them. It goes without saying that the invitation is extended to everyone from your organization attending the convention, including the wives.

It is recognized that the annual meeting of the CCBS membership is scheduled to commence at 4 p.m. on Sunday, May 7 at the Sheraton Park Hotel. Those lawyers of our firm who handle CCBS matters plan on attending this meeting and it is hoped that at the close of the meeting we can adjourn to our offices. In the meantime, other lawyers of our firm will be present in the offices so that commencement of the cocktail party will not be delayed because of the CCBS meeting.

Sincerely,



Reed T. Rollo

Mr. John H. DeWitt, Jr.  
WSM, Incorporated  
National Building  
Nashville 3, Tennessee

P.S. A reminder to encourage you to be with us -- all liquor stores, bars, cocktail lounges, etc. in Washington are closed on Sundays!



# Clear Channel Broadcasting Service

~~Hobbs McGee~~  
Director

Shoreham Building  
Washington 5, D. C.

April 13, 1961

Mr. John H. DeWitt, Jr.  
President & Station Manager  
WSM, Inc.  
301 - 7th Avenue North  
Nashville, Tennessee

Dear Mr. DeWitt:

I have heard from all the stations except, WOAI, WHAM and WLW regarding attendance at the meeting. Mr. Hough and Mr. Herman will represent WBAP.

In talking with Mr. Rollo this morning, he suggested that you write to Mr. Hough and ask him to preside. Unless you have been in touch with him, I doubt if he knows that Mr. Craig will not be here.

Sincerely,

Bernice Hase  
CCBS



Sponsored by Independently Owned  
Clear Channel Radio Stations

LOUIS G. CALDWELL  
(1891-1951)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
FREDERICK M. ROWE  
ALOYSIUS B. MSCABE

JOSEPH OUCOEUR  
RAYMOND G. LARROCA  
HOWARD P. WILLENS  
JOHN P. MANWELL

LAW OFFICES OF  
**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**  
WORLD CENTER BUILDING - 16<sup>TH</sup> AND K STREETS, N. W.  
WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

April 14, 1961

Mr. Ward L. Quaal  
WGN, Incorporated  
441 N. Michigan Avenue  
Chicago 11, Illinois

Re: WTAO

Dear Ward:

Counsel for WTAO has filed the enclosed petition asking the United States Court of Appeals for the District of Columbia Circuit for rehearing en banc of the Court's decision of March 30, 1961 denying WTAO's appeal from the Commission's refusal to process its application for 720 kc.

We have the right to file an opposition to this petition within ten days, as does the Commission. We shall plan to prepare and present such an opposition in behalf of WGN, Inc. and CCBS.

Best regards.

Very truly yours,

Aloysius B. McCabe

Enclosure

cc (w/encl.):

Mr. John H. DeWitt  
Mr. Carl J. Meyers  
Edwin T. Sujack, Esq.

ABM/hh

HARRY C. BUTCHER  
CONSULTANT  
RADIO AND TELEVISION  
SANTA BARBARA,  
CALIFORNIA

OFFICE: 789 RIVEN ROCK ROAD  
PHONE: WOODLAND 9-0038

*April 6 '61*

## Civilian, Military Communications Network Planned

WASHINGTON (AP) — The government Wednesday announced plans for linking

its civilian agencies with a unified communications system. states, Puerto Rico and the Virgin Islands.

When completed in about three years, the Federal Telecommunications System will connect some 8,000 government offices in about 1,750 cities and towns in the 50

It will include voice, teletypewriters, data and facsimile services and will be interconnected with military and commercial systems. Extensive use will be made of direct-distance dialing.

★ *Los Angeles Times* 7  
THURS., APR. 6, 1961—Part I

## 13 Die in Ship Blast

TAIPEI (AP) — Two explosions set the 4,200-ton tanker Kuanglung afire in Kaohsiung Harbor Wednesday, killing 13 Chinese crewmen and injuring 25.

*Dear Jack -*  
*This is the story I mentioned on*  
*the phone today.*

*Best,*

*Butcher*

April 10, 1961

Mr. James M. Gaines  
Southland Industries, Inc.  
WOAI and WOAI-TV  
San Antonio, Texas

Dear Jim:

It was a disappointment to learn that you won't be at the annual meeting of the CCBS at NAB.

A couple of weeks ago I stopped by to see Harold Hough in Fort Worth on my way back from the coast and after conferring with him and later Mr. Craig we decided it would be well to hold up all discussion of a new CCBS Director until the annual meeting in Washington. Knowing that you had some qualms about this in the first place, I trust that this approach will fit in with your desires.

I will be looking forward to seeing Charlie in your stead but I am sorry you won't be there.

Sincerely yours,

John H. DeWitt, Jr.

JD:ab



SOUTHLAND INDUSTRIES, INC.



50,000 WATTS CLEAR CHANNEL

TELEVISION CHANNEL 4



SAN ANTONIO 6, TEXAS

JAMES M. GAINES  
PRESIDENT

April 3, 1961

Dear Jack:

Unfortunately, I'm not going to be able to get to the CCBS Annual Meeting during the NAB Convention, and I have asked Charlie Jeffers to attend in my stead. Sorry I have to forego this annual pleasure, but business at home here compels.

Warmest personal regards.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Gaines', written in a cursive style.

Mr. John H. DeWitt, Jr.  
WSM - WSM-TV  
301 Seventh Avenue, N.  
Nashville 3, Tennessee

April 11, 1961

Miss Bernice Hase  
Clear Channel Broadcasting Service  
532 Shoreham Building  
Washington 5, D.C.

Dear Bernice:

Mr. DeWitt has requested that I write to tell you that Mr. Craig has prevailed upon Mr. Hough to preside at the Clear Channel Annual Meeting.

Sincerely,

(Mrs.) Ann Burnett  
Secretary to Mr. DeWitt



# Clear Channel Broadcasting Service

Walter McCravy  
Director

Shoreham Building  
Washington 5, D. C.

April 5, 1961

Mr. John H. DeWitt, Jr.  
President & Station Manager  
WSM, Inc.  
301 - 7th Avenue North  
Nashville 3, Tennessee

Dear Mr. DeWitt:

This is to inquire as to whether any steps should be taken to ask Mr. Hough to preside at the CCBS annual meeting since Mr. Craig will be unable to attend. We have always asked him in the past after we found out that Mr. Craig would not attend, and sent him a suggested agenda.

Will you or Mr. Quaal ask him, or should I write him? I have not heard whether he will be here or not.

Sincerely,

*Bernice*  
Bernice Hase

cc: Mr. Quaal  
Mr. Rollo  
Mr. Eagan

*Alan please write Bernice  
telling her Mr. Craig is  
proceeding upon Mr. Hough who  
will preside*



Sponsored by Independently Owned  
Clear Channel Radio Stations



# Clear Channel Broadcasting Service

~~Robert M. Gray~~  
Director

Shoreham Building  
Washington 5, D. C.

March 29, 1961

Mr. John H. DeWitt, Jr.  
President & Station Manager  
WSM, Inc.  
301 - 7th Avenue North  
Nashville 3, Tennessee

Dear Mr. DeWitt:

I thought you would be interested in the enclosed article which appeared in the Washington Daily News yesterday.

I understand the station on Swan Island is not licensed by the Commission but it is operated by Gibraltar Steamship Corp., 18 East 50th St., New York 22. The story was in POPULAR ELECTRONICS several months back. It also stated that the Island belongs to a man from Boston. I got this information from Don Canode at the FCC. He said the Commission has been swamped with calls since these articles appeared.

Sincerely,

*Bernice*  
Bernice Hase

cc: Mr. Quaal  
Mr. Rollo  
Mr. Eagan

Encl.



Sponsored by Independently Owned  
Clear Channel Radio Stations

# Getting the Truth Thru to Cuba

One of the thank-you letters to the Cuban Freedom Committee for its Spanish - language broadcasts of the truth to Cuba contained an apology for the use of a pseudonym:

"I have disguised my name because of the 'freedom' we enjoy in Cuba," the writer said.

## PARALLEL

But such evidence that they are getting thru is reward enough for the committee which has set out to play the role in this hemisphere played by Radio Free Europe outside the Iron Curtain.

The committee, a privately financed and operated offshoot of the Christianform, now has three outlets for daily broadcasts designed to counter Fidel Castro's anti-United States, pro-Communist barrage of propaganda:

✓ Two hours a day of music, world news and commentary in Spanish from Miami's medium wave Station WGBS.

✓ Six hours a day in Spanish of music, news and direct challenges of Castro's accusations and hate-U. S. propaganda over Station WKWF in Key West.

✓ Over 50,000 watt medium-wave Radio Swan, twenty minutes a day in Spanish and twenty minutes in English plus a like amount over Swan's short-wave transmitters. In addition Radio Swan carries five minutes three times a week in Cantonese to reach Cuba's 30,000 Chinese who are the targets of an intense blackmail campaign by Fidel's Chinese Communist 'technicians.'

The Committee states that its aim is to give unbiased world news and opinion.

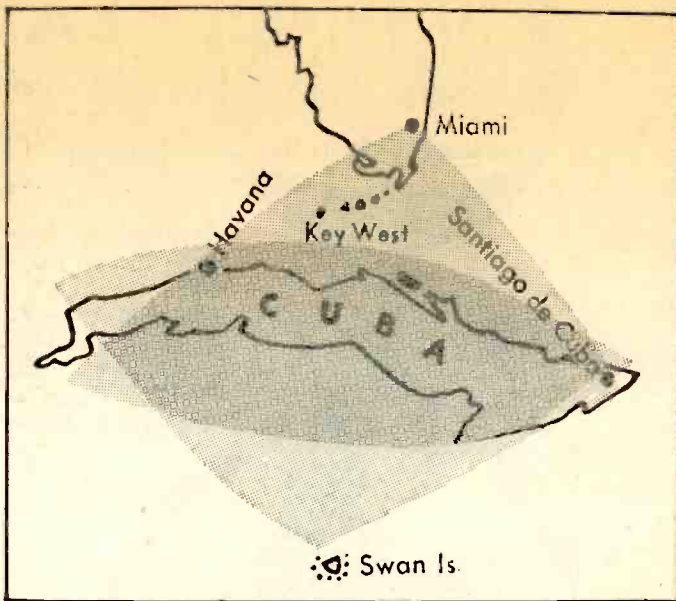
## FACTS

"These are not saturated propaganda broadcasts but straight unslanted facts," said Executive Secretary, Mrs. Mariada C. Arensberg.

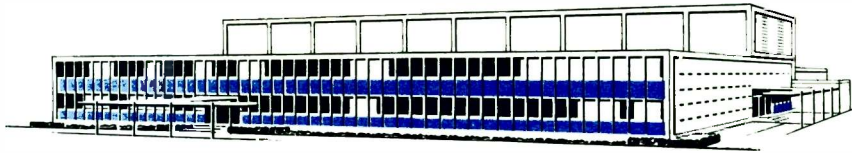
"The Cuban people have been brainwashed by Castro for the past two years without hearing his lies publicly challenged," she said. "The Cuban Freedom Committee believes Castro's stature can be seriously diminished by telling Latin America the truth."

The committee, which has headquarters here at 1737 H-st nw, depends upon public subscriptions for its financing. Its chairman is John B. McClatchy, wealthy Philadelphia real estate man.

On its advisory board are Sen. Clairborne Pell, (D., R. I.); Rep. Donald C. Bruce (R., Ind.) and Rep. Roman C. Pucinski, (D., Ill.); Mrs. Oveta Culp Hobby; Retired Gen. Albert Wedemeyer; Former Undersecretary of Commerce Walter Williams; Harold Russell, AMVETS National Commander; George S. Schuyler, associate editor of The Pittsburgh Courier; Former Asst. Secretary of State for Latin American Affairs Edward G. Miller Jr.; Samuel W. Meek, advertising executive and Peter O'Donnell, Dallas businessman.



This is how the Cuban Freedom Committee's broadcasts blanket the island with facts to refute Fidel's propaganda.



Radio/720 Television/channel 9

**wgn inc.**

2501 West Bradley Place · Chicago 18, Illinois · LAkeview 8-2311

March 27, 1961

(Dic. 3/25/61)

Mr. John H. DeWitt, Jr., President  
WSM, Inc.  
Nashville 3, Tennessee

Dear Jack:

While I am sure you visited with Harold Hough about the matter, I thought I would remind you, in the event it has slipped your mind, that CCBS owes the Kirkland law firm \$13,043.53 as of March 1, 1961.

This figure, Jack, covers services and costs above the normal retainer. The last payment, and it was only a portion of the invoice, was dated November 14.

While these legal costs are terribly high, I feel that it was necessary for us to take the steps that have involved the Kirkland firm this past year. While we don't have a great amount of money these days to handle this expense, I know from experience with other legal entities that no firm would be lower in cost. Quite to the contrary from experience I feel our obligations would be greater if we were dealing with another firm.

Best wishes and many thanks, Jack.

Sincerely

Ward L. Quaal  
Vice President  
General Manager  
WGN, Inc.

*Jack  
Have now  
heard from  
you on this -  
Thanks.  
Ward*

WLQ/lr

April 3, 1961

The Circulation Director  
U.S. News and World Report  
2300 N Street, N.W.  
Washington 7, D.C.

Dear Sir:

We are very much interested in an article that appeared in the December 5, 1960 issue of U.S. News and World Report. If at all possible, we would like to get this issue. If you will let us know the cost and handling charge, we shall forward it to you immediately or you can bill WSM, Inc. and sent it to my attention.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

April 3, 1961

Circulation Director  
McGraw-Hill Company  
330 West 12nd Street  
New York 36, New York

Dear Sir:

We are very much interested in articles which appeared in Business Weekly, January 14 issue and in Aviation Weekly, issue January 16, 1961. If you will let us know the cost and handling charge, we shall forward it to you immediately or you can bill WSM, Inc. and send it to my attention.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab



April 3, 1961

The Circulation Director  
Newsweek Magazine  
411 Madison Avenue  
New York 22, New York

Dear Sir:

We are very much interested in an article that appeared in the January 23, 1961, issue of Newsweek. If at all possible, we would like to get this issue. If you will let us know the cost and handling charge, we shall forward it to you immediately or you can bill WSM, Inc. and send it to my attention.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

April 3, 1961

Circulation Director  
Saturday Review  
25 West 115th Street  
New York 36, New York

Dear Sir:

We are very much interested in an article that appeared in the December 10, 1960 issue of Saturday Review. If at all possible, we would like to get this issue. If you will let us know the cost and handling charge we shall forward it to you immediately or you can bill WSM, Inc. and send it to my attention.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

LAW OFFICES OF  
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS  
WORLD CENTER BUILDING - 16<sup>TH</sup> AND K STREETS, N. W.  
WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

March 31, 1961

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

Mr. William J. Meckabee  
Rental Manager  
Shoreham Associates  
1107 Nineteenth St., N. W.  
Washington 6, D. C.

Re: Clear Channel Broadcasting Service

Dear Mr. Meckabee:

This is in response to your letter of March 30 with respect to a lease on the space occupied by the Clear Channel Broadcasting Service.

As you know, a lease was sent to CCBS by you under date of September 2, 1960. At that time Mr. Gayle Gupton was Washington Director of CCBS and talked with you about signing a lease that would have a clause permitting cancellation upon thirty days written notice. It is my understanding that this was acceptable to you but for some reason a lease to this effect was not signed before Mr. Gupton's resignation became effective on December 31. Since that time we have momentarily expected the arrival of a new Director but for various reasons this event has been delayed. Accordingly, the matter of signing a lease has been held in abeyance. We presently expect a new Director will arrive on the scene in the very near future and will be in a position to sign a lease. If you would like to have a lease signed before that date would you please send me a lease with a thirty day cancellation provision and I will see to it that one of the out-of-town persons connected with the organization possessing the requisite authority executes the lease.

Incidentally, Miss Hase advises me that the only  
lease she remembers seeing was the one sent with your letter of  
September 2. She does not recall receiving one in January of 1961.

If I could be of further assistance, please let me  
know.

Cordially,

R. Russell Egan

RRE:bb

bcc: Miss Hase, Messrs. Quaal, DeWitt and Hough

*Mr. Reynolds*

LAW OFFICES OF  
**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**  
WORLD CENTER BUILDING - 1627 AND K STREETS, N. W.  
**WASHINGTON 6, D. C.**  
TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO I. ILLINOIS

March 30, 1961

Mr. Ward L. Quaal  
WGN, Inc.  
441 N. Michigan Avenue  
Chicago, Illinois

Re: WTAO Appeal

Dear Ward:

The Court of Appeals today released an opinion unanimously affirming the Commission's action refusing to process WTAO's application for 720 kc at Cambridge, Massachusetts. A copy of the opinion, written by Circuit Judge Burger, is enclosed, together with a memorandum to CCBS members concerning the matter.

The Court's opinion squarely upholds the Commission's "freeze" order despite the delay which has occurred and appears to recognize the difficult problems facing the Commission in the Clear Channel case. We feel that the opinion is quite satisfactory and are pleased that the Court adopted the position we took in behalf of WGN and CCBS.

In a separate action today the Court also affirmed the Commission's action refusing to process an application for a new station on 670 kc at Santa Barbara, California.

Today's action by the Court is the end of the matter unless WTAO should attempt to seek further review in the Supreme Court by petition for writ of certiorari or petition the Court of Appeals for rehearing.

Best regards.

Very truly yours,

*A. B. McCabe*

Aloysius B. McCabe

ABM:jmk  
cc: Messrs. DeWitt Meyers & Sujack  
Encl.

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO ILLINOIS

LAW OFFICES OF  
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS  
WORLD CENTER BUILDING - 188 AND K STREETS, N.  
WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3500

March 30, 1961

Mr. Ward L. Quasi  
WGN, Inc.  
441 N. Michigan Avenue  
Chicago, Illinois

Re: WTAO Appeal

Dear Ward:

The Court of Appeals today released an opinion unanimously affirming the Commission's action refusing to process WTAO's application for 750 kc at Cambridge, Massachusetts. A copy of the opinion, written by Circuit Judge Burger, is enclosed, together with a memorandum to CBS members concerning the matter.

The Court's opinion squarely upholds the Commission's "freeze" order despite the delay which has occurred and appears to recognize the difficult problems facing the Commission in the Clear Channel case. We feel that the opinion is quite satisfactory and are pleased that the Court adopted the position we took in behalf of WGN and CBS.

In a separate action today the Court also affirmed the Commission's action refusing to process an application for a new station on 670 kc at Santa Barbara, California.

Today's action by the Court is the end of the matter unless WTAO should attempt to seek further review in the Supreme Court by petition for writ of certiorari or petition the Court of Appeals for rehearing.

Best regards.

Very truly yours,

Aloysius B. McCabe

ABM:jmr  
cc: Messrs. Dewitt, Meyers & Sajak

Encl.

LOUIS G. CALDWELL  
(1891-1951)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
FREDERICK M. ROWE  
ALOYSIUS B. MESCABE

LAW OFFICES OF  
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS  
WORLD CENTER BUILDING - 1625 AND K STREETS, N. W.  
WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

March 30, 1961

MEMORANDUM RE

WTAO APPEAL

JOSEPH DUJCOEUR  
RAYMOND G. LARROCA  
HOWARD P. WILLENS  
JOHN P. MANWELL

To CCBS Managers and Chief Engineers:

The United States Court of Appeals for the District of Columbia Circuit today issued its decision affirming the Commission's refusal to process the application of WTAO, Cambridge, Massachusetts, for change in frequency to 720 kc pending conclusion of the Clear Channel rulemaking proceeding. The Court's opinion in favor of the Commission was written by Circuit Judge Burger and joined in by Judges Bazelon and Magruder. CCBS and WGN, Inc. had intervened and participated in the case in support of the Commission's decision.

The Court reviewed the history of the Clear Channel proceedings and held, in effect, that the Commission's imposition of a "freeze" on applications for new daytime assignments on clear channels pending ultimate conclusion of the rulemaking proceedings is a reasonable exercise of its discretion in view of the complicated nature of the proceeding and the importance of the issues at stake. The Court admonished the Commission to dispose of the Clear Channel case "as promptly as possible", but held that the delay which has already occurred is not sufficient, under the circumstances, to invalidate the "freeze" order.

Today's decision is welcome, since it shows an awareness by the Court of the difficulty of the problems faced by the Commission in the Clear Channel case.

In a separate action, the Court also affirmed the Commission's action in a companion case refusing to process an application for a new station at Santa Barbara, California on 670 kc.

A copy of the Court's opinion in the WTAC appeal is enclosed.

Sincerely,

Reed T. Rollo

RTR:jmk  
Encl.





UNITED STATES COURT OF APPEALS  
For The District of Columbia Circuit

---

No. 15,522

Harvey Radio Laboratories, Inc., Petitioner

V.

United States of America

and

Federal Communications Commission, Respondents  
WGN, Inc., Clear Channel Broadcasting Services,  
Intervenors

---

On Petition For Review And To Compel Action By  
Federal Communications Commission

---

Decided March 30, 1961

Mr. Benedict P. Cottone, with whom Mr. Arthur Scheiner was on the brief, for petitioner.

Mr. Max D. Paglin, now General Counsel, Federal Communications Commission, with whom Messrs. John L. FitzGerald, General Counsel of the Federal Communications Commission at the time the brief was filed, Richard M. Zwolinski, Counsel, Federal Communications Commission, Richard A. Solomon, and Henry Geller, Attorneys, Department of Justice, were on the brief, for respondents.

Mr. Aloysius B. McCabe, with whom Messrs. Reed T. Hollo and R. Russell Eagan were on the brief, submitted on the brief, for intervenors.

Before: Magruder, Senior United States Circuit Judge for First Circuit\*, and Bazelon and Burger, Circuit Judges.

Burger, Circuit Judge: Petitioner is an applicant for a station on a Class I-A radio frequency. The earliest predecessor of its frequently amended application was filed in 1951. Since that application sought permission to increase its power on a Canadian Class I-A frequency, it was held in abeyance pending ratification of the North American Regional Broadcast Agreement (NARBA). After amendment to a United States Class I-A frequency the application was not processed because of a regulation staying action on such applications until completion of the rule making proceeding known as the Daytime Skywave proceeding.<sup>1/</sup> Although that matter has now been concluded, petitioner's application remains under another "freeze" regulation<sup>2/</sup> holding such applications until the completion of a rule making proceeding known as the Clear Channel case.

Petitioner filed a request with the Commission asking action on its application. The request having been denied,<sup>3/</sup> review is sought on the ground that agency action has been unreasonably delayed in contravention of section 10 of the Administrative Procedure Act, 5 U.S.C. § 1009 (e)(A) (1958), and that the grant of hearings on certain other applications demonstrates that exceptions to the "freeze" regulations have been made which warrant action in petitioner's favor.

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\* Sitting by designation pursuant to Sec. 294(b), Title 28 U.S. Code.

<sup>1/</sup> The nature of this complex proceeding is discussed in our opinion in *Harbenito Broadcasting Co. v. FCC*, 94 U.S.App. D.C. 329, 218 F.2d 28 (1954). The final order was affirmed in *Clear Channel Broadcasting Serv. v. United States*, 284 F.2d 222 (D.C. Cir. 1960).

<sup>2/</sup> 47 C.F.R. § 1.351 (Supp. 1960).

<sup>3/</sup> 19 P & F R.R. 515 (FCC 1959).

The complexity and ramifications of the far-reaching problem presented by the Clear Channel case have been stated by the Commission:

The controversy resolves itself into whether it would be better to share existing nighttime facilities on clear channels with applicants throughout the United States proposing to serve areas where little or no satisfactory service presently exists, or to allow only the present licensees on each clear channel to have super power in order to better their coverage. 1949 FCC Ann. Rep. 37.

In addition to the delays inherent in the resolution of the problem, a moratorium was imposed upon the proceedings for a five year period while NARBA was under consideration. See American Broadcasting Co. v. FCC, 89 U.S. App.D.C. 298, 301-02, 191 F.2d 492, 496 (1951).

The Clear Channel proceeding contemplates the possibility of a fundamental realignment of radio stations on the clear channel frequencies. Accordingly, "piecemeal" consideration of requests for individual locations on these frequencies might well prejudice the ultimate allocation and defeat the purposes of the program. And the effort invested in a determination of individual proposals might be rendered futile by a contrary disposition of the rule making proceeding -- thus producing even more delay. We cannot say that a delay caused by the difficulty of the problem and by changing conditions which required re-opening of the record is an unnecessary delay, even where it is a long and unfortunate delay. Cf. Mesa Microwave, Inc. v. FCC, 105 U.S.App.D.C. 1, 262 F.2d 723 (1958); Harbenito Broadcasting Co. v. FCC, 94 U.S.App.D.C. 329, 218 F.2d 28 (1954). In FCC v. WJR, The Goodwill Station, Inc., 337 U.S. 265 (1949), the petitioner contended that pending determination of the Clear Channel case the Commission could not consider an application which allegedly would cause objectionable interference with petitioner's operation. In rejecting this argument the Supreme Court said that

the judicial regulation of an administrative docket sought by WJR "would require the Court of Appeals to direct the order in which the Commission shall consider its cases." And this, as the court said, it "cannot do." 174 F.2d at 231. "Only Congress could confer such a priority." 337 U.S. at 272.

The holding in American Broadcasting Co. v. FCC, supra, does not aid petitioner. There the complainant was an existing station. Continued grants of temporary authority allowed another station to operate on the complainant's frequency for a period of ten years.

We held that this was tantamount to a modification of the license of the existing station which could not be allowed to continue without a hearing. Cf. *Community Broadcasting Co. v. FCC*, 107 U.S.App.D.C. 95, 274 F.2d 753 (1960). The instant case, involving a new applicant, is clearly distinguishable.

For this same reason, petitioner's contention that the Commission has acted arbitrarily in denying its request for hearing while acting on other applications for clear channel frequencies must be rejected. In four of the cited cases the applicant was an existing station already operating on the Class I-A frequency involved, not a station seeking assignment to a Class I-A frequency for the first time. The remaining case involved a proposed shift to a Class I-B frequency, which the Commission states is not involved in the Clear Channel proceeding. Thus the policy and procedure which the Commission has followed is not without reasonable basis, notwithstanding the time factors involved.

Our action in affirming the order of the Commission, of course, does not alter the obligation of the Commission to dispose of these matters as promptly as possible. Delays of such length as shown here must always be subject to close judicial scrutiny.

The order of the Commission is

Affirmed.

M E M O R A N D U M

March 16, 1961

TO: MR. E. W. CRAIG

FROM: JOHN H. DEWITT, JR.

As you know Red Dustin, Mr. Cal Swanson and Mr. Rufus Jarman have approached us with the idea of acting as liason between the clear channel group and the U.S. Department of Agriculture and other government agencies in an effort to show that the clear channels are essential to such agencies. John McDonald and I have had meetings with these gentlemen, in fact Mr. Swanson flew from New York and Mr. Jarman from Miami to meet with us in my office last week. Mr. Swanson prepared the attached letter to me after the last conference outlining their proposal. I told the group that I would present it to the Executive Committee of the clear channel group at the meeting on Monday, March 13th.

The idea and memo were presented to Ward Quaal and some of his staff. The conclusion was as follows: First, overall no one felt that the clear channel group could spend \$10,000 as a downpayment plus \$1,000 per month per station for this effort (our treasurer is worried about paying the law office in Washington \$11,000 which we have owed them since last Fall). Second, the group thought it was a bad practice to employ a public relations firm to court favor for the clear channel group with the government. It was felt that as individual stations we could be far more effective with direct contacts; for example, one of Ward Quaal's people is an intimate friend of the Secretary of Agriculture (the manager of their wholly owned station in Duluth). We have already had Mr. Freeman on our station several times through the good offices of John McDonald. Third, the group also felt that the Secretary of Agriculture or other government officials would not be willing to tie themselves up with one medium of communications. As a government official they would undoubtedly feel that they would have to offer the same information to all news media.

I have talked with Red Dustin today who says he is in complete agreement. He said further that he had no idea that Mr. Swanson had such large money figures in mind. In fact he said, "He should be working for the English government."

---

M E M O R A N D U M

March 16, 1961

TO: MR. E. W. CRAIG

FROM: JOHN H. DAWITT, JR.

As you know Red Dutton, Mr. Cal Swanson and Mr. Rufus Jarman have approached us with the idea of acting as liaison between the clear channel group and the U.S. Department of Agriculture and other government agencies in an effort to show the clear channels are essential to such agencies. John McDonald and I have had meetings with these gentlemen, in fact Mr. Swanson flew from New York and Mr. Jarman from Miami to meet with us in my office last week. Mr. Swanson prepared the attached letter to me after the last conference outlining their proposal. I think the clear channel group at the meeting on Monday, March 13th.

The idea and memo were presented to Ward Quaal and some of his staff. The conclusion was as follows: First, overall no one felt that the clear channel group could spend \$10,000 as a downpayment plus \$1,000 per month per station for this effort (our treasurer is worried about paying the law office in Washington \$11,000 which we have owed them since last fall). Second, the group thought it was a bad practice to employ a public relations firm to court favor for the clear channel group with the government. It was felt that as individual stations we could be far more effective with direct contacts; for example, one of Ward Quaal's people is an intimate friend of the Secretary of Agriculture (the manager of their wholly owned station in Duluth). We have already had Mr. Freeman on our station several times through the good offices of John McDonald. Third, the group also felt that the Secretary of Agriculture or other government officials would not be willing to tie themselves up with one medium of communications. As a government official they would undoubtedly feel that they would have to offer the same information to all news media.

I have talked with the staff and they say he is in complete agreement. He said in that it had no idea that Mr. Swanson had such large money figures in mind. In fact he said, "He should be working with the Eng...ment."

M E M O R A N D U M

March 15, 1961

TO: MR. ROBERT E. COOPER

FROM: JOHN H. DEWITT, JR.

Yesterday while in Chicago, Ward Quaal and Carl Myers proposed as an antidote to the FCC FM network for emergency communications a tieup between the clear channels at night. They thought that we might work up a system in the evening hours through which WGN might call WSM or WHAS or any other clear channel and ask for weather information. This would then be relayed to Louisville or WGN through direct pickup of WSM or one of the other stations or vice versa.

I would like to get your reaction on this. I am sure that we need some way to demonstrate the value of clear channels in the time of national emergency. Perhaps we could also work up a low frequency signalling system which could be used as an adjunct.

---

JHD:ab

cc: Mr. George A. Reynolds

MEMORANDUM

March 12, 1961

TO: MR. ROBERT E. COOPER

FROM: JOHN H. DEWITT, JR.

Yesterday while in Chicago, Sam Cassel and Carl Myers prepared as an antidote to the FCC FM network for emergency communications a loop between the clear channels at night. They thought that we might work up a system in the evening hours through which WGN might call WSM or WMAZ or any other clear channel and ask for weather information. This would then be relayed to Louisville or WGN through direct lines of WSM or one of the other stations or vice versa.

I would like to get your reaction on this. I am sure that we need some way to demonstrate the value of clear channels in the time of national emergency. Perhaps we could also work up a low frequency signaling system which could be used as an adjunct.

---

John H. Dewitt, Jr.

cc: Mr. George A. Reynolds



THE WHITE HOUSE  
WASHINGTON

March 13, 1961

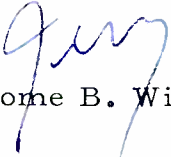
Dear Jack:

Thanks for your letter of March 7, with your comments on the radio situation vis-a-vis Cuba. I wasn't aware of this particular problem, though my office has worked with Henry Loomis and The Voice of America from time to time in the past.

I would like to send your comments over to Henry for his consideration and then discuss them with him, since I know he would be quite interested and concerned. There are other policy considerations here, as you clearly realize, that must also be taken into account before a decision is made with regard to establishment of new facilities closer to Cuba.

I appreciate your taking the time to write on this, and also appreciate your kind words about my appointment.

Sincerely,

  
Jerome B. Wiesner

Mr. John H. DeWitt, Jr.  
President  
WSM, Incorporated  
Nashville 3, Tennessee



RADIO TELEVISION ON PEACHTREE TRINITY 5-7221

*Atlanta, Georgia*

April 12, 1961

Mr. John H. DeWitt, Jr.  
WSM WSM-TV  
Nashville 3, Tennessee

Dear Jack

Was sorry to learn that the appointment  
with the chairman did not develop.  
Suggest you check him at the NAB  
convention. Will see you at that time.

Best regards

A handwritten signature in blue ink, appearing to read 'J. Leonard Reinsch', written in a cursive style. The signature is positioned above the printed name.

J. Leonard Reinsch

amb

UNITED STATES COURT OF APPEALS  
For The District Of Columbia Circuit

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No. 15,522

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HARVEY RADIO LABORATORIES, INC.,

Petitioner,

v.

UNITED STATES OF AMERICA  
and  
FEDERAL COMMUNICATIONS COMMISSION,

Respondents,

CLEAR CHANNEL BROADCASTING SERVICE  
and  
WGN, INC.,

Intervenors.

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ON PETITION FOR REVIEW AND TO COMPEL ACTION  
BY FEDERAL COMMUNICATIONS COMMISSION

---

PETITION FOR REHEARING BY  
THE FULL COURT EN BANC

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Petitioner in the above entitled proceedings, Harvey Radio Laboratories, Inc., hereby respectfully requests rehearing, by the full Court en banc, of the decision of a panel of the Court issued on March 30, 1961. In support of the requested relief, it is respectfully shown as follows:

The issue involved in this case is of fundamental importance. The question involved is whether judicial relief should be forthcoming in a situation where an applicant for broadcast facilities has, for many years, had an application on file with the Federal Communications Commission in complete and proper form and the Commission has delayed all action on the application pending decision of a rulemaking proceeding which is already more than sixteen years old. Moreover, the Commission has failed to furnish the Court with any assurance that the delay will be terminated within any reasonably foreseeable future period. Section 10(e) of the Administrative Procedure Act requires reviewing Courts to "compel agency action ... unreasonably delayed". The Court has recognized that the sixteen year delay "is a long and unfortunate" one, but it has held that it cannot say that it is an "unnecessary" delay. Yet, the following language in the Court's opinion appears to indicate that the Court believes that Petitioner, at some point must be entitled to judicial relief if the delay continues:

"Our action in affirming the order of the Commission, of course, does not alter the obligation of the Commission to dispose of these matters as promptly as possible. Delays of such length as shown here must always be subject to close judicial scrutiny."

By this language, the Court appears to have suggested that Petitioner may renew its request for relief should Commission action not be forthcoming at some unspecified future time. But the Court has failed to indicate any criterion for determining at what point in time continued delay may warrant invocation of such relief. It is respectfully submitted that Petitioner is entitled to some indication from the Court of the intentment of its ruling since Petitioner is otherwise left in the unfortunate

dilemma of not knowing when its right to judicial relief may be considered to have matured. Petitioner does not wish to burden the Court with future renewals of its request for relief which the Court may then believe to be still premature. And, aside from the possible burden to the Court, Petitioner can ill-afford the expense of possible repeated recourse to this Court.

It is pertinent to point out that immediately after oral argument in the instant case, the Court, by letter dated November 17, 1960, informed the Commission that the Court desired to be kept advised of any Commission action bearing upon the issues raised in the instant case. This action by the Court followed a statement made to the Court, during the oral argument on November 17, 1960, by the Commission's then-Assistant General Counsel, to the effect that a special meeting had been scheduled by the Commission for the following day for the purpose of attempting to resolve the Clear Channel case. A single report was rendered to the Court by letter dated November 21, 1960, in which the Court was informed that the Commission had met on November 18, 1961 and had given instructions to its staff to prepare a decision in this case. On January 1, 1961, the Commission, through its then-Chairman, publicly announced that a decision in the Clear Channel case was "imminent". (Public Release 98324 - "1960 and the FCC Year-End Statement by Frederick W. Ford, Chairman, Federal Communications Commission"). The Clear Channel case, however, is still undecided; Petitioner's application still remains frozen; and no further reports have been rendered to the Court.

The Court's attention is respectfully called to its action in

Central Freight Lines, Inc. v. Federal Communications Commission, U. S. C.C.A., D.C., Case No. 14484, a case cited and relied upon by Petitioner in its brief but which the Court did not advert to in its decision of March 30, 1961. In that case, action upon an application had been delayed under a freeze which was of considerably shorter duration than the freeze involved in the instant case. The relief requested by the aggrieved applicant was an order directing the Commission to grant or designate its application for hearing. During the pendency of the case in Court, the Commission sent the applicant a letter advising it of the necessity of a hearing on its application. This Court then denied the petition but "without prejudice to a renewal if the Federal Communications Commission does not grant Central Freight Lines, Inc. a hearing upon such application within thirty days of a response from the applicant to the letter of the Federal Communications Commission, dated June 3, 1958, offering such a hearing". It is respectfully urged that a similar proviso is warranted in the instant case since it is difficult to understand how the Central Freight Lines situation can be distinguished from the present case and the Court has not indicated that there is any distinction.

There is a further reason why rehearing should be granted. In its decision, the Court accepted as reasonable the Commission's purported explanation that it had made ad hoc exceptions to the freeze in five specific cases because in four of those cases, the applicant was an existing station already operating on the Class I-A frequency involved, and the remaining case involved a proposed shift to a Class I-B frequency "which the Commission states is not involved in the Clear

Channel proceeding". Petitioner was unaware, until recently, of the following situation: Cornell University, which for many years has been the licensee of daytime station WHCU, Ithaca, New York, on the Class I-A frequency 870 kilocycles, has for some time had an application pending for an increase in power from 1 kilowatt to 5 kilowatts on that frequency. This application is subject to the Clear Channel freeze. On April 9, 1959, the University petitioned the Commission for action on its application notwithstanding the freeze. On July 20, 1960, in an unpublished letter decision, the Commission denied Cornell's request. The Commission's letter to Cornell University is attached hereto. It is to be noted that the reason which the Commission advanced to the Court for making an exception to the freeze in the case of the application of Storer Broadcasting Company to increase power on its existing assigned I-A frequency from 5 kilowatts to 50 kilowatts and in three other cases is equally applicable to the Cornell situation. Indeed, in contrast to the allowed tenfold increase in power to Storer, Cornell is only seeking a relatively modest increase to 5 kilowatts of power. It is to be expected that the Commission will say that the Commission has acted consistently in Petitioner's and Cornell's cases. But this is not the point. The point is that it is impossible to see how the alleged reasons for the exceptions which it made in the four Class I-A situations can validly be urged to be reasonable and warranted, when the Commission has flatly refused to recognize the same reasons in another identical situation.<sup>1/</sup> It is earnestly believed that this presents a

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<sup>1/</sup> The brief of the Commission in the instant case was filed with this Court on October 24, 1960 but no reference was made to the Cornell University situation.

substantial basis for reconsideration by the Court of its ruling that "the policy and procedure which the Commission has followed is not without reasonable basis".

Finally, it is apparently the Court's view that Petitioner had the burden of proving that the Commission's delay has been unreasonable and that Petitioner has failed to meet that burden.<sup>2/</sup> It should be recognized, however, that Petitioner has had to rely upon publicly known facts in order to meet this "burden of proof". Aside from public Congressional hearings in which the Commission's delay in the resolution of the Clear Channel proceeding has been explored and criticized (See Petitioner's Brief, pp. 22 - 23, Appendix A, pp. 6 - 8, Petitioner's Reply Brief, p. 3, f.n. 2), there has been no available forum for developing all the facts which might assist the Court on this question. In this connection, the Court's attention is respectfully invited to Section 7(b) of the Judicial Review Act of 1950 (5 U.S.C. Section 1037(b) which is clearly applicable to the instant proceeding. Said Section provides, in pertinent part, as follows:

"(b) Where the agency has held no hearing prior to the taking of the action of which review is sought by the petition, the Court of Appeals shall determine whether a hearing is required by law. After such determination, the court shall ... (3) Where a hearing is not required by law, and a genuine issue of material fact is presented, transfer the proceedings to a United States district court for the district where the Petitioner resides or has its principal office for hearing and determination

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<sup>2/</sup> Petitioner believes that the past delay of 16 years in the resolution of the Clear Channel proceeding, with no reasonable prospect of action within any predictable future period, is prima facie unreasonable delay.



as if such proceedings were originally initiated in the district court. The procedure in such cases in the United States district courts shall be governed by the Federal Rules of Civil Procedure".

It is apparent that there is a "genuine issue of material fact" as to the reasonableness of the Commission's delay. Accordingly, the situation presented is one in which the Court is warranted, if not required, to refer such issue to an appropriate district court pursuant to Section 7(b) of the Judicial Review Act.

Wherefore, in the light of the foregoing, it is respectfully submitted that rehearing of the Court's decision by the full Court en banc would be just and proper and it is therefore requested that rehearing be granted and that upon such rehearing the Court either (a) direct the Commission to act on Petitioner's application within such specified period as the Court may deem to be reasonable; or (b) modify its decision by providing that the relief requested is denied without prejudice to renewal of the request for relief if the Commission shall not have acted upon Petitioner's application by a specified date; or (c) pursuant to Section 7(b) of the Judicial Review Act of 1950, transfer the proceedings to the appropriate United States district court for hearing and determination of the question of the reasonableness of the Commission's delay in acting upon Petitioner's application. Accordingly, it is so requested.

Respectfully submitted,

BENEDICT P. COTTONE

Counsel for  
Petitioner

April 12, 1961

CERTIFICATE

Benedict P. Cottone, counsel for Petitioner, hereby certifies that the foregoing Petition is presented in good faith and not for delay.

Respectfully submitted,

BENEDICT P. COTTONE

Counsel for  
Petitioner

April 12, 1961

Copy of Letter from Federal Communi-  
cations Commission File No. BP-12991

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C.

FCC 60-876  
90961

July 20, 1960

Cornell University  
212 E. State Street  
Ithaca, New York

Gentlemen:

Reference is made (1) to your application (File No. BP-12991) for an increase in the daytime power of Station WHCU, Ithaca, New York, from one to five kilowatts operating between sunrise and sunset Ithaca, on 870 kilocycles, and to continue operation thereon with one kilowatt power between sunset Ithaca and sunset New Orleans; and (2) to your petition filed simultaneously therewith on April 9, 1959, requesting waiver of Section 1.351(b)(1) of the Commission's Rules.

In your petition you assert that Station WWL, New Orleans, Louisiana, is the dominant station on the Class I frequency of 870 kilocycles; that Section 1.351(b)(1) provides that actions will be withheld on applications by existing stations on that frequency where the proposal will increase radiation toward the Class I station on the channel; that your proposal would cause "some increase in radiation towards the normally protected contour of WWL"; that your present operation does not place a 25 mv/m signal over the business district of Ithaca as required by Section 3.188(b)(1) of the Rules; and that a grant of the instant proposal would enable you to comply with this rule and increase coverage to persons who do not presently receive your service.

Section 1.351 was amended and subsection (b)(1) was deleted therefrom on September 18, 1959, when the Commission terminated the daytime skywave proceeding in Docket No. 8333. However, the clear channel hearing in Docket No. 6741, which involves allocations on the same frequencies has not been resolved. Accordingly, also on September 18, 1959, the Commission adopted an Order amending Section 1.351 of the Rules to provide that pending conclusion of the proceeding in Docket No. 6741, action will be withheld on applications by existing day or limited time stations which propose, inter alia, an increase in power or a change in antenna radiation pattern on specified frequencies such as 870 kilocycles. Since your application is for an increase in power, and would increase radiation toward Station WWL, it is in contravention of the provisions of said rule as presently existing and as existing at the time your application was filed.

On September 18, 1959, the Commission also adopted a Third Notice of Proposed Rule Making in Docket No. 6741, inviting comments on the proposed assignment of Class II operations on 23 clear channels, the assignment of power in excess of 50 kilowatts for Class I-A stations, and counter

proposals. Thus, action on applications for this frequency would render more difficult a final solution of matters with respect to the frequency and would not be appropriate until the Commission has fully considered all responses to the Notice of Proposed Rule Making. Moreover, we do not believe that a valid basis for waiver of Section 1.351 exists merely because a waiver thereof will permit compliance with another rule (Section 3.188(b)).

Our postponing action on applications under the foregoing circumstances was upheld in Harbenito Broadcasting Company v. FCC, 94 App. D. C. 329, 10 Pike and Fischer RR 2079. Moreover, the showing you have made in support of your request for waiver, is outweighed by the necessity of our making no new assignments on the frequency of 870 kilocycles, until the rule making proceeding in Docket No. 6741 is concluded. Therefore, even if the allegations set forth in support of your request for waiver were substantiated, it would not be in the public interest for the Commission to waive the rule. Accordingly, your instant application will be placed in the pending file until conclusion of the proceeding in Docket No. 6741.

In view of the foregoing, your request for waiver of Section 1.351 of the Commission Rules is hereby denied.

BY DIRECTION OF THE COMMISSION

S/d Ben F. Waple  
Acting Secretary

REPORT OF CASH EXAMINATION  
CLEAR CHANNEL BROADCASTING SERVICE - WASHINGTON, D. C.  
YEAR ENDED DECEMBER 31, 1960

ERNST & ERNST

--oo0oo--

REPORT OF CASH EXAMINATION

CLEAR CHANNEL BROADCASTING SERVICE - WASHINGTON, D. C.

Year ended December 31, 1960

--oo0oo--

**ERNST & ERNST**  
CERTIFIED PUBLIC ACCOUNTANTS  
FORT WORTH NATIONAL BANK BLDG.  
FORT WORTH 2, TEXAS

Mr. H. V. Hough, Treasurer,  
Clear Channel Broadcasting Service,  
Washington, D. C.

We have examined the recorded cash transactions of Clear Channel Broadcasting Service for the year ended December 31, 1960. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. Recorded cash receipts for the year were traced to deposits shown on bank statements. Amounts paid to the Service by member stations for dues and assessments were confirmed directly to us by the stations. Recorded cash disbursements were tested by examination of paid checks, invoices and other data.

The following is a summary of recorded cash transactions for the year:

Cash balance at January 1, 1960	\$ 7,615.39
Annual dues collected	70,217.00
Special assessment	20,000.00
Other receipts	<u>4,421.79</u>
	\$102,254.18
Disbursements	<u>94,101.22</u>
Cash balance at December 31, 1960	<u><u>\$ 8,152.96</u></u>

In our opinion, the accompanying statement of recorded receipts and disbursements presents fairly the recorded cash transactions of Clear Channel Broadcasting Service for the year ended December 31, 1960.

*Ernst Ernst*

Fort Worth, Texas  
February 24, 1961

STATEMENT OF RECORDED CASH RECEIPTS AND DISBURSEMENTS

CLEAR CHANNEL BROADCASTING SERVICE

Year ended December 31, 1960

Cash balance at January 1, 1960		\$ 7,615.39
Receipts:		
Station dues	\$70,217.00	
Special assessment	20,000.00	
Pay roll taxes withheld from employees	<u>4,421.79</u>	<u>94,638.79</u>
TOTAL TO ACCOUNT FOR		\$102,254.18
Disbursements:		
Salaries	\$26,551.04	
Legal and professional fees and expenses	27,918.40	
Travel and entertainment expenses	6,284.90	
Printing, postage, telephone and telegraph	1,765.29	
Office rent	2,353.75	
Office supplies and expense	1,417.92	
Recording and engineering	23,106.13	
Pay roll taxes remitted	4,663.79	
Fidelity bond	<u>40.00</u>	<u>94,101.22</u>
Cash balance at December 31, 1960 - on deposit - First National Bank, Fort Worth, Texas		\$ <u><u>8,152.96</u></u>



Take to Wash

LAW OFFICES OF

KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS

WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

LOUIS G. CALDWELL  
(1891-1951)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
FREDERICK M. ROWE  
ALOYSIUS B. M'CALLISTER

July 12, 1961

MEMORANDUM

JOSEPH DUJOUR  
RAYMOND G. LARROCA  
HOWARD P. WILLENS  
JOHN P. MANWELL

TO: COBS GENERAL MANAGERS AND CHIEF ENGINEERS

The Communications and Power Subcommittee of the House Interstate and Foreign Commerce Committee has scheduled hearings for July 18, 19 and 20 on the series of Bills which have been introduced in the House this session proposing to increase the hours of operation of daytime stations. These Bills which are identical with those introduced in the last session of Congress and on which hearings were held in June of 1960, were introduced by Congressmen Abernethy (Democrat of Mississippi), Pelly (Republican of Washington), Shipley (Democrat of Illinois), Whitten (Democrat of Mississippi), Moulder (Democrat of Missouri), Ikard (Democrat of Texas), and Gray (Democrat of Illinois).

The Subcommittee consists of Congressmen Moulder, Chairman, (Democrat of Missouri), Rogers (Democrat of Texas), Flynt (Democrat of Georgia), Moss (Democrat of California), Rostenkowski (Democrat of Illinois), Younger (Republican of California), Sibal (Republican of Connecticut), and Thomson (Republican of Wisconsin).

We have advised the Subcommittee that COBS is opposed to enactment of the Bills and will appear at the hearing and offer testimony. Arrangements have been made for Jack DeWitt to testify on Wednesday morning, July 19, 1961.

Reed T. Rollo

R. Russell Eagan

Dic. 6-20-61

June 23, 1961

Mr. Edwin W. Craig, Chairman  
Clear Channel Broadcasting Service  
% National Life and Accident Insurance Company  
Nashville, Tennessee

Subject: Wilfred Guenther

Dear Ed:

Today I visited with Jack DeWitt about a number of matters affecting the clear channel organization, including naming of a new director, a move which I feel must be made at the earliest possible date.

In spite of the immediate "negative" which manifests itself as far as WGN is concerned, we continue to be a loyal and aggressive member of the "group" and want to do everything we can to see to it that the overall clear channel position is held inviolate. This includes, in our opinion, the selection of the best available director as soon as possible.

With this in mind, I enclose herewith an application from Mr. Wilfred Guenther, a former employee of the Crosley Broadcasting Corporation, and more recently in the agency field in Cincinnati and Toledo. I trust you understand with receipt of this communication as I indicated to Jack today that this is in no way an endorsement of this man by me. I am merely relaying this to you as Chairman of CCBS.

I have known Bill Guenther for about 15 years and regard him in many ways as a very exceptional individual. However, he has not been "tested" in certain phases of Washington work and that is why I cannot make a recommendation. I submit his letter and accompanying "brief", therefore, merely for your information, Ed.

Kindest personal regards.

Sincerely,



Ward L. Quaal  
Executive Vice President  
General Manager  
WGN, Inc.

WLA/r

cc: Jack DeWitt

OMWSM NV 77 GAPL

THIS IS CCBS WASH DC JULY 12.

TO MR JACK DEWITT

IN AN EFFORT TO AVOID THE DUPLICATION OF THE 13 CLASS 1-A CLEAR CHANNELS SET FORTH IN THE COMMISSIONS INSTRUCTIONS IN DOCKET 6741 WHICH WE FORWARDED TO YOU ON JUNE 13, AND PARTICULARLY TO AVOID DUPLICATION OF THE CCBS STATIONS 2&<sup>7</sup><sub>8</sub>//XXXXXXX WGN WSB WJR AND WHAM WHICH ARE SLATED FOR DUPLICATION IN THE COMMISSIONS INSTRUCTIONS, LEGISLATION IS BEING INTRODUCED IN BOTH THE SENATE AND THE HOUSE PROPOSING TO AMEND THE COMMUNICATIONS ACT SO AS TO PROHIBIT DUPLICATION OF ALL OF THE REMAINING CLASS 1-A CLEAR CHANNEL FREQUENCIES. THE LEGISLATION MAY ALSO PROVIDE FOR PERMISSIBLE POWER IN EXCESS OF 50 KW. BEFORE PREPARATORY WORK WAS UNDERTAIEN TO HAVE SUCH LEGISLATION INTRODUCED, WARD QUAAL DISCUSSED TYEXX THE MATTER WITH EACH OF THE MEMBERS OF THE CCBS EXECUTIVE COMMITTEE EXCEPT VIC SHOLIS, WHOM WE UNDERSTAND HE WAS UNABLE TO REACH, AND RECEIVED THEIR APPROVAL TO PROCEED WITH THE PROJECT. AS SOON AS THE BILLS ARE INTRODUCED, WHICH MAY BE TOMORROW IN THE HOUSE AND NEXT TUESDAY IN THE SENATE, WE SHALL OBTAIN COPIES AND FORWARD THEM TO YOU.

REGARDS REED ROLLO AND RUSS EAGAN

END OR GA

WILL DELIVER AND XXXX END OR GA ENDMM

Cc and letter to Mr. DeWitt ✓

June 29, 1961

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Y

Mr. L. E. McDonald  
1102 E. 14th Street  
Lombard, Illinois

Dear Mr. McDonald:

The reason you have not heard from Mr. John H. DeWitt, Jr. is because the Executive Committee's selection for a new director has not been made.

There are pending applications including your own which will receive what I hope will be the early consideration of the Committee.

Sincerely yours,

Edwin W. Craig  
Chairman of the Board

June 26, 1911

Mr. E. H. Craig  
National Building  
Nashville 3, Tenn.

Dear Mr. Craig,

On April 13, Mr. John DeKitt, Jr. wrote me a letter, for you, stating the decision on the filling of the Clear Channel job would be made at the annual meeting, May 7.

In the absence of any word pro or con from you or him, am I to assume this position is now filled?

If so, will you please be so kind as to return to me the letter of commendation to me from Ward Quaal, which I sent to you.

Sincerely yours,  
L. E. M. Donald

1102 E. 14<sup>TH</sup>  
Lombard, Ill.



# CLEAR CHANNEL BROADCASTING SERVICE

*Your Attention Please!*

July 7, 1961

## MEMORANDUM

To CCBS Managers and Chief Engineers

It has recently come to our attention that the House of Representatives and the Senate of the State of Delaware have adopted a Joint Resolution requesting the Federal Communications Commission to issue a Rule or Order permitting at least one Delaware radio station to broadcast on a 24 hour basis with sufficient power to serve the entire state of Delaware. This resolution was approved by the Governor of Delaware and forwarded to Speaker Rayburn of the U. S. House of Representatives. The resolution has been referred to the House Committee on Interstate and Foreign Commerce. We do not anticipate any action by the House Committee but we are forwarding herewith copies of the resolution and the Delaware Governor's transmittal letter for your information, since we believe the resolution was inspired by daytime broadcasters and may be an indication of the tactics that may be employed by the daytimers in other states. If any of you learn of similar action in your own state legislatures, we shall appreciate being advised.

Reed T. Rollo  
Percy H. Russell  
R. Russell Eagan

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P  
Y

STATE OF DELAWARE

June 12, 1961

The Honorable Samuel Rayburn  
Speaker of the House of  
Representatives  
Washington, D. C.

Dear Mr. Speaker:

Due to recent regulations of the Federal Communications Commission it is not possible for any Delaware radio station to broadcast on an evening pattern that will properly service the area of Lower Delaware.

It is the desire of the citizens of the State of Delaware, and in their best interests, that this situation be remedied as soon as possible. The citizens of our State, speaking through their elected representatives, call this problem to your attention by the enactment of House Joint Resolution No. 3, a certified copy of which is enclosed.

As Governor of the State of Delaware I call upon you to hear this petition from the citizens of our State and to take the appropriate action to assure adequate twenty-four hour per day, statewide coverage for radio broadcasts originating in Delaware.

Cordially yours,

Elbert N. Carvel  
Governor

ENC:raw

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HOUSE JOINT RESOLUTION NO. 3

REQUESTING THE PRESIDENT OF THE UNITED STATES TO TAKE THE NECESSARY ACTION TO ASSURE THE CITIZENS OF THE STATE OF DELAWARE OF ADEQUATE RADIO RECEPTION.

WHEREAS, due to recent regulations of the Federal Communications Commission there is no radio station located within the State of Delaware which can be received throughout the State of Delaware on a 24 hour basis, AND

WHEREAS, the present rules of the Federal Communications Commission do not permit any Delaware radio station to broadcast on an evening pattern that will properly service the area of lower Delaware, AND

WHEREAS, the people of lower Delaware are thereby prevented from receiving news concerning happenings of vital interest to them after sundown, AND

WHEREAS, it is to the best interests of the people of Delaware culturally, economically and socially to be bound together and to be well informed, NOW, THEREFORE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES of the 121st General Assembly of the State of Delaware, the Senate concurring therein, that the Federal Communications Commission take such action as may be necessary to issue a rule or order permitting at least one Delaware radio station to properly service the entire State of Delaware on a daily 24 hour basis, AND

BE IT RESOLVED, that the attention of the President of the United States be called to this attempt by the people of Delaware to obtain adequate radio reception, AND

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the President of the United States, to the Senate and House of Representatives of the 87th Congress and to the Federal Communications Commission, Washington, D.C.

APPROVED MAY 16, 1961.





Cc and Mr. Guenther's letter sent to Mr. Jack

June 27, 1961

C  
O  
P  
Y

Mr. Ward L. Quaal  
Executive Vice President  
General Manager  
WGN, Incorporated  
2501 West Bradley Place  
Chicago 18, Illinois

Dear Ward:

Let me thank you for transmitting Mr. Wilfred Guenther's letter and for the clarification of your personal knowledge and interest. We will see that it gets the proper consideration.

Ward, I have bled inside for you and our other friends since the recent actions by the Commission. I think your knowledge of my interest and dedication will prompt you to understand the depth of my disappointment. I do hope with all my heart that something infinitely more satisfactory can and will be worked out.

With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

FROM THE DESK OF

Ward L. Quaal

Mr E W Craig

(with note  
on tape)

*Case  
H. Guenther*

Toledo, Ohio  
June 8, 1961

Dear Ward:

Attached is the letter you asked me to write and which I hope is satisfactory. Trying to cover a lot of ground in one page just isn't easy and it could be I may have missed some of the points on which you wanted greater elaborations. If so - by all means let me know and I will rewrite it however you suggest.

As I told you on the phone - the matter of relocation is no problem. With one boy in college and the other in high school - we don't have the problems we had when they were smaller. Furthermore, for a variety of reasons I wouldn't move my family to Washington immediately but rather wait until we see how things shape up, and, especially how I am shaping with them - should you and your group decide to give me this opportunity. I feel that this is one job I could do and do well - and certainly hope you and yours agree.

Thanks again for your consideration in this matter and be assured I will be happy to supply any additional information required.

Kindest personal regards,

*Bill*

Wilfred Guenther

4860 N. Crestridge Rd.,  
Toledo 13, Ohio  
June 8, 1961

Mr. Ward L. Quaal,  
Executive Vice President,  
WGN, Inc.  
441 N. Michigan Ave.,  
Chicago 11, Illinois.

Dear Ward:

Following is a brief personal resume as you requested during our recent conversation:

During the past year I represented Ziv-United Artists, Inc. in Toledo and Columbus. A radical realignment of territories would have necessitated my accepting a distant, unlucrative territory and I therefore resigned. For three years prior to my joining Ziv-UA I was employed as Radio and TV Director of Beeson-Reichert, Inc., Toledo's largest advertising agency. During the nine years preceeding my coming to Toledo I operated my own advertising and public relations agency under the name of Guenther, Brown and Berne, Inc., in Cincinnati.

In 1938 I joined the Crosley Broadcasting Corporation and remained there until 1947 except for the duration of World War II when I served in the Navy, being honorably discharged as a Lieutenant Commander. While with Crosley I served as promotion manager of WSAI, then the same position with WLW. Eventually I was placed in charge of all experimental broadcasting including facsimile, FM, TV and short wave broadcasting. I was made manager of station WLWO, Crosley's first international station, helped establish the first Latin American net work and, because of this experience, became one of the first consultants on the staff of Col. William Donovan in the formation of the Office of War Information. After the war I worked closely with Jim Shouse, Leydorf, Rockwell and Duke Patrick in the preparation of exhibits and the coordination of information pertaining to the Clear Channel hearings. During this time I was afforded the opportunity of meeting many of the members of your group and becoming acquainted with their problems and objectives.

During a recent conversation with Jimmy Shouse it was pointed out that because of the present uncertainty of the clear channel situation any association with your group may not be of great permanence. I consider this risk of secondary importance to the challenging opportunity represented by such an appointment. Likewise relocation represents no great problem because my two sons are now practically full grown and there are no ties keeping Mrs. Guenther and me in Toledo. I am free to move to Washington immediately - and would like to do so.

Attempting to condense 25 years experience in the fields of broadcasting and advertising into a brief review necessitates hitting only the high spots. Therefore, should you or any of your group desire additional specific information or references - be assured I will be happy to supply whatever is needed. Likewise, should an interview be in order - just set the date and place and I will be present.

Thanks for considering me and permitting me to present my credentials. I sincerely hope a favorable decision will soon be reached and that I again will be working with you and your distinguished Clear Channel associates.

2.

kindest personal regards ,

A handwritten signature in blue ink, appearing to read 'Guenther', written in a cursive style.

Wilfred Guenther

M

WSM NV 77 GAPL

THIS IS CCBS WASH DC JULY 14

TO MR DEWITT

URGENT THAT YOU PHONE SENATORS AND REPRESENTATIVES IN YOUR COVERAGE AREA, ESPECIALLY THOSE ON INTERSTATE COMMITTEES, TO URGE THEM TO SUPPORT, BY CO-SPONSORSHIP AND APPROPRIATE REMARKS ON THE FLOOR, CLEAR CHANNEL LEGISLATION TO BE INTRODUCED TUESDAY BY SENATORS CAPEHART AND TALMADGE IN THE SENATE AND BY CONGRESSMEN BENNETT OF MICHIGAN AND FLYNT OF GEORGIA IN THE HOUSE.

REGARDS REED ROLLO AND RUSS EAGAN

END OR GA

WILL DELIVER MESSAGE

END WSM PM

*"Radio legislation"*

*Subsections C of sec 303*

*1 station authorized access to*

*25 class HA  
sunset*

SUPPLEMENTARY STATEMENT OF THE FCC REGARDING  
H. R. 6676, 6868, 8286, 9627, AND 170275  
CONCERNING EXTENDED OPERATING HOURS FOR DAYTIME  
BROADCASTING STATIONS

The Commission has been asked to submit a list of U. S. Class I stations (the so-called Clear Channel stations) and an estimate of the cost of adding FM to a small or medium size AM broadcasting stations. This has been done. Additionally, we have included current statistics on the total number and classification of AM stations now authorized and copies of Commission rules concerned with the early morning and with the emergency operations of daytime stations.

The Commission would also like to take advantage of this opportunity for additional comment on some of the matters and problems that have been discussed.

First, there may be an implication in some portions of the record that the daytime six a. m. to six p. m. proposal is primarily a conflict between the Clear Channel stations and the daytime stations. This has been clarified to some extent in the latter part of the record but it should be emphasized that the problem is at least as serious, if not more so, with respect to the approximately 800 unlimited time stations on regional channels.

Also, it should be noted that of the 1,690 daytime stations authorized as of June 1, 1960 only 136 operate on the 45 Clear Channels in which the U. S. has any degree of priority. Of the remaining 1,554 daytime stations 466 operate on the 15 Clear Channels in which the U. S. does not have any degree of priority. In the Commission's opinion we could never obtain the consent of Canada or Mexico to operation of the stations on these particular 15 channels beyond sunset or before sunrise, except in accordance with the treaty requirements for protection of their stations from interference.

In connection with hearings before the Senate Foreign Relations Subcommittee on the North American Regional Broadcasting Agreement and the related agreement with Mexico we recently had occasion to query the parties to these agreements on their views concerning six-to-six operation of daytime stations. A brief discussion of the international problem and of the views expressed by the other North American countries may be helpful.

NARBA defines "daytime" in general as the time between local sunrise and local sunset at the transmitter location of the station "nighttime" as the remainder of the day. Because of the difference in day and night propagation of radio waves it provides different technical standards for the protection of stations from interference during the two periods. Most of the presently authorized daytime stations would have made application for nighttime operation if the technical standards for the protection of existing stations after sunset could have been met with respect to domestic assignments,



foreign assignments, or both. In some instances, of course, the cost of a directional antenna system has deterred application for night operation, but, insofar as the vast majority are concerned, nighttime operation has not been feasible even with an expensive directional antenna because of interference to domestic stations, foreign stations, or both. Even if interference to domestic stations is ignored, operation of daytime stations with presently authorized facilities after sunset would, in the majority of instances, be expected to involve interference to foreign assignments in excess of that provided for in the NARBA or the United States-Mexico bilateral agreement. A similar situation would be expected with respect to the use of daytime facilities after sunset by a large proportion of stations now operating unlimited time.

During hearings on the NARBA and the United States-Mexico bilateral agreement before a Senate subcommittee of the Foreign Relations Committee, the State Department furnished the several administrations of the North American Region with copies of the subcommittee's interim report of August, 1959, which contained four alternative proposals in connection with ratification of these agreements, three of which reflected, in one form or another the position espoused by the DBA with respect to operation by daytime stations beyond the hours of sunrise to sunset. The remaining alternative, was for the subcommittee to recommend advise and consent without reservations of understandings in this regard.

In reply to the query, both Canada and Mexico made it clear that a provision to NARBA that would permit operation of daytime stations beyond the hours between sunrise and sunset would be unacceptable to them. Comments from Cuba, Dominican Republic, the United Kingdom (for Bahama Island and Jamaica) and Haiti were not received.

In its final report the subcommittee recommended the action, now history, in which the NARBA and the United States-Mexico agreement were ratified without reservation or understanding.

The next point which we believe warrants some further comment concerns the engineering standards and criteria we have used to evaluate the six-to-six proposal. It has been stated that since these engineering standards originated over twenty years ago they are hopelessly out of date and are not applicable to present conditions. This point is supposed to have been confirmed by demonstrating that certain stations could be heard intelligibly at points in which these outmoded standards indicate ruinous interference. We would like to point out that while the objectives of a broadcast service and the actual nature of the service and of the associated problems can and do change with time, the physical factors governing the behavior of radio waves do not. Neither do many of the factors which affect a listener's reaction to the various degrees of interference which are usually characterized in terms such as "just noticeable", "somewhat objectionable" and "intolerable". The criteria provided for by Commission rules

and which have been used in connection with the extended hours proceedings (Dockets No. 12274 & 12729) in substance defines objectionable interference as the condition which exists when the composite hourly median value of one or more undesired signals exceed one twentieth ( $1/20$ ) of the value of a desired signal on ten percent or more of the days of a year. The 20 to 1 ratio of desired to undesired signal was chosen many years ago on the basis of subjective listening tests in which a majority of listeners found the 20 to 1 ratio objectionable. We know that the considerations resulting in the choice of 20 to 1 as a criteria are not changed by time.

With respect to the accuracy of predictions of interference, service, etc., it would be most unusual if a short test in a specific case confirmed the predictions. Estimates and predictions regarding service and interference are all based on long term statistical averages and probabilities. It should be noted that these criteria which are being questioned represent in large measure the considered judgments of many engineering and scientific minds throughout the entire broadcasting industry. By and large they have been and are still accepted almost universally by engineers as very meaningful and helpful tools in studying exactly the type of problem here presented. We would like to repeat, in terms of overall effects (that is, the composite service and interference produced by a number of stations operating over a substantial period of time) can be quite accurately predicted by these criteria. The conditions with respect to skywave interference at a particular spot at a particular time in general cannot be so predicted.

The question has been raised a number of times in this proceeding as to why the desirability of daytime station operation from 6:00 a. m. until 6:00 p. m. could not be determined by a "test". The nature of such a test has not been set forth specifically. Some of the questions and comments of the Committee would imply that a limited test involving a relatively small number of stations is envisaged. Also, it would appear that evaluation of both the engineering consequences of six-to-six operation during the season when such operation would include time before sunrise and after sunset, and the actual impact on listeners is contemplated.

On the other hand, we believe it is clear that the Daytime Broadcasters Association proposal for a test contemplates operation of all daytime stations through at least one and preferably two winter seasons. The daytime broadcasters have not been clear, however, on the nature of the test. The impression is given that they are stressing the listeners reaction aspect rather than the engineering. In any event, these comments are directed at all aspects of the test problem.

If we are considering a test of listener reaction the test must be designed to compare the effects of the loss of service to the public in the listener area of the full-time stations with the effects of the added service to the public in the listener area of the daytime only stations.

In our judgment, a scientifically valid listener survey to determine this point must necessarily be quite extensive both in time and number of stations involved. A decision to change the hours of daytime stations would affect large numbers of the public. If this decision is to be made in light of a listener survey, then such a survey must be conducted in a thoroughly objective, impartial manner utilizing the best scientific techniques in this field. Nothing less is practical or desirable in the public interest.

It has been suggested that a test be held in one specific area. We do not believe that the experience to one area can be generalized to other areas. Radio service, particularly secondary radio service, is too variable to warrant drawing conclusions from the experience in one area. The basic unit of measurement would have to be one or more frequencies. This is to say, the effect of the extended hours of operation cannot be localized in terms of a comparison between the effect on the service areas of a particular daytime station and a particular full-time station but must be considered in the context of all daytime and full-time stations operating on that particular frequency. Since, however, daytime stations on any of the regional or clear channel frequencies are scattered throughout the country, a listener survey would necessarily have to concern itself with a representative sample of such areas throughout the country. Such areas would include both urban and rural locations since we are particularly concerned with maintaining service in scattered rural areas which have limited means of communication. It would not be sufficient to sample one frequency only since there would be substantial variation in the results of a test on one frequency compared to another. The tests would have to be concluded for a representative sample of frequencies.

The question may be raised as to why any specific survey needs to be conducted. Why could not the Commission merely base its decision on letters or other communication from the public involved? The Commission is strongly convinced that such an approach is wholly undesirable. The Commission's responsibility is to provide for the best service possible to most of the people, utilizing the best technical and other sources of information. It cannot rest its decision on the psychological considerations which might impel the public to protest or not to protest a change in their radio service. It is not unthinkable, for example, that "organized" public reaction might be developed by one group or another and that the letters from the public would merely measure the strength of the organizing groups.

The kind of listener test which would be required would be concerned with ascertaining, among other points, the stations listened to in order of preference from sunrise to 6:00 a. m. and the sunset to 6:00 p. m. , preferably information regarding stations listened to both prior to and following the beginning of the test period in which the daytime stations were permitted to operate would be desirable. (This would, of course, not be possible for the morning test.) We would have to ascertain the number of people who gain

service as a result of the post-sunset operation of the daytime stations compared with the number of people who lose service from one or more of the full-time stations whose service would be interfered with. We would also have to ascertain the other signals available to the people who would lose service, particularly in rural area. Further, it would be important to ascertain whether the loss of service was full or partial and the quality of other signals available to the people adversely affected by the operation of the daytime stations.

To ascertain these types of information, with a scientifically designed sample which could be projected and validated for other areas, would probably require interviewing a sample of households as well as utilizing mail ballots. The interview technique is expensive while the use of the mail ballot requires the highest degree of precaution to insure that the mail responses are, in fact, valid. We speak with some experience in this field because in the Clear Channel proceeding in 1945 the Commission attempted to measure the extent of public listening to clear channel stations in the "white" areas. We contracted with the Bureau of the Census at a cost approximating \$200,000 to conduct this survey. Although conducted under the best of auspices, a number of objections were raised as to the representativeness of the results because of the extreme variability in the extent and quality of radio service in these areas. The difficulties encountered in that survey, which, by the way, had the full cooperation of all segments of the industry, necessarily makes us dubious as to the feasibility of obtaining a conclusive answer on listener reaction to radio service.

It is our considered conclusion that a scientifically valid sample of listener reaction in this area is a major undertaking which would require substantial funds to conduct. The Commission could not reasonably expect to conduct such a survey on its own but would probably contract the conduct of such a survey to the Bureau of the Census. While we cannot at this point specify the cost of such a project, we have reason to believe that it could run into several hundreds of thousands of dollars.

With respect to the feasibility of a test to confirm or refute the findings that have been made regarding service lost and gained, several observations are pertinent.

The interference with which we are concerned results from the so-called skywaves which are reflected back to the earth from an ionized layer of air some sixty miles high. The effect is most pronounced in the broadcast band during the nighttime hours and is of consequence during nighttime hours and during the transition period between daylight and darkness. These skywaves are reflected back with varying degrees of intensity and their strength at any particular spot, a hundred or more miles distant from the transmitter, is subject to very wide variations from minute to minute, day to day, month to month, and from one year to the next.

With respect to year to year variations skywave propagation conditions are cyclic with respect to sunspot activity. At standard broadcast frequencies skywave propagation is poorest in years having the maximum sunspot numbers. The sunspot cycle is approximately eleven years in duration. Last year the peak of sunspot activity was reached. This means that skywave propagation at these frequencies was at its poorest. In approximately 4-1/2 years skywave propagation is expected to be at its best. There is poor correlation between corresponding points on successive sunspot cycles and likewise there is ambiguity in sunspot effect on skywave propagation from one transmission path to another. A test at this phase of the sunspot cycle will not be indicative of the true degree of skywave interference which is likely to be encountered under peak propagation conditions.

Because of these long- and short-term variations the only way skywave behavior can be predicted is on the basis of observations and measurements conducted over substantial periods of time. The predictions regarding behavior must then take the form of statistical probabilities as we have previously mentioned.

These measurements and observations have been made on a continuing basis ever since 1935 by the Commission, by the Bureau of Standards, and from time to time by industry groups under Commission direction. The results of the observations and measurements take the form of charts and graphs indicating statistical probabilities, and it is from charts and graphs that our estimates of interference in terms of long-range probabilities have been made.

In our view extensive field intensity recording programs over extensive periods of time are the only way in which "measurements" can be utilized to evaluate skywave interference effects.

While we may concede that the listeners' reactions to a large number of stations operating under conditions of substantial mutual interference may be evaluated by a carefully conducted listeners' survey, we do not believe that an evaluation of long-range interference effects can be so evaluated.

Another factor which must be considered is the modification of license imposed on those stations suffering increased interference by reason of the test operation. Section 316 of the Communications Act inhibits the Commission from actions which modify a station license without affording the licensee affected opportunity for an evidentiary hearing. The Courts have construed an action creating interference within a station's "normally protected contour" as a modification of license within the meaning of Section 316.

In consideration of the problems just discussed and the international complications and absolute restrictions imposed by our understandings with neighboring countries, we can view a mandatory requirement for a test only with extreme concern and misgivings.

In the course of these hearings the fact that some stations are already permitted by Commission rules to operate with their daytime power and facilities prior to sunrise has been discussed. The question has been raised as to the possibility of adopting a similar rule to be applied to the period

between sunset and 6:00p. m. Also the committee chairman has specifically asked the Commission why stations on regional channels are permitted to operate without notification or obtaining permission, whereas those on clear channels are required to obtain permission of the dominant stations on the channel.

The rule in question is Section 3.87 and copy has been provided for inclusion in this record. It is suggested that it be inserted at this point.

A brief discussion of the history and intent of Section 3.87 is in order at this point.

The first comprehensive analysis of a series of skywave recording and measurements was made in 1935. It was from this survey that we first obtained some understanding of the behavior of skywaves in the standard broadcasting band. From these observations and this survey, the sunrise to sunset concept for daytime operation evolved. The survey was also the basis for a complete revision of the rules governing station assignments in the standard broadcast band and removed many restrictions that had theretofore kept both the number of stations and the power they could use severely limited. In particular, provisions were made for much more extensive use of so-called regional channels permitting both higher power and more stations. Engineering standards were evolved which encouraged the use of directional antennas in particular, to improve service and decrease interference. These rules became effective in 1939 and for the first time daytime operation was defined as that period between sunrise and sunset. Before that period the operation of daytime stations and the use of daytime power by the unlimited time stations was from 6:00a. m. until local sunset.

Although there were only a handful of daytime stations at that time, nearly all of them operated on clear channels. Additionally, most of them were operated by colleges and universities. Three well-known stations of that time were WOI at Ames, Iowa, operated by the University of Iowa; WTAW at College Station, Texas, operated by Texas A. and M.; WTAD at Norman, Oklahoma, operated by the University of Oklahoma. Each of these particular stations had a substantial farm and rural listening audience for their 6:00, 7:00, and 8:00a. m. programs. When the winter months forced them to curtail these operations until sunrise, —which, in the case of WOI,, for instance, comes as late as 7:40a. m. — a number of complaints were made to the Commission. As a result of these complaints, the Commission took a step, the advisability and merits of which are now moot, which removed the restrictions of its new rules with respect to early morning operation and permitted all stations to commence operation not at 6:00a. m. as had been previously permitted, but at 4:00a. m. This action was implemented under the title of Commission Order 74 adopted in 1940. A copy of

Order 74 has been submitted for inclusion in this record. It soon appeared that this step may have gone too far both in terms of infringement on the just-signed North American Regional Broadcasting Agreement of 1937 and in terms of substantial interference to some of the clear channel stations which likewise had early-morning rural and farm audiences. The Commission then sought to formulate a rule which would permit early-morning use of daytime facilities on as extensive a basis as possible without flagrantly disregarding our international obligations under NARBA, and the instances in which severe interference to established services would be occasioned in specific cases.

Section 3.87, in practically the same form it has now, then superseded Order 74. Essentially, it attempts to permit, where international restrictions do not specifically and pointedly prohibit, the use of daytime facilities so long as there is not "undue interference" to unlimited-time stations. The rule expressly prohibits stations in certain categories from operating prior to sunrise. One such prohibition is as follows:

"Any Class II station causing interference, as determined by the standard broadcast technical standards of this subpart, by use of its daytime facilities within the 0.5 mv/m 50% skywave contour of any Class I station of the United States, Mexico, or of any country party to the North American Regional Broadcasting Agreement, except (i) where the Class I station is located east of the Class II station in which case operation may begin at local sunrise at the Class I station: (ii) where an agreement has been reached with the Class I station to begin operation prior to local sunrise."

It may be noted that (ii) above constitutes an exception to an exception. In other words, a Class II station thus prohibited from operating in the morning may also operate "where an agreement, etc." This particular provision has often been construed as permitting the Class II station to operate pursuant to permission of the Class I station. Perhaps the choice of language in the rule is unfortunate but this was not its intention nor has it ever been implemented on that basis. The provision was intended to permit operation where there was an understanding between the Class I station and the Class II station with respect to the hours of operation of the Class I station, the conditions being that the Class II station could operate if the Class I station was not on the air. Certainly the Commission did not then, nor has it ever considered, delegating any portion of its licensing function to any licensee.

The question has been raised as to why we cannot have a rule similar to 3.87 covering an hour or two period after sunset. One of the factors that motivated Commission Order 74 was that during a portion of the time between 4:00 a. m. and local sunrise at a given station a number of the other stations on the channel would not actually be in operation. For example, at 4:00 a. m. in

the eastern time zone, it is 3:00 a. m. in the adjacent central time zone, and 2:00 a. m. in the mountain time zone. Even at 6:00 a. m. in the eastern time zone, it is only 5:00 a. m. in the adjacent central time zone, and a large number of the stations there would not be on the air. Under these conditions a station in the east would have to concern itself only with interference with stations primarily within its own time zone for an appreciable portion of its presunrise operation time. Additionally, consider the fact that the rule was promulgated at a time when there were very few daytime stations. We might well be able to demonstrate that under present conditions, Section 3.87 is not a particularly meritorious rule. The Commission has been concerned on several occasions with its merit but has concluded that the pattern of operation and of listening habits has become so well established that its disruption would not be in the public interest. On the other hand, we believe that our experience with Section 3.87 is such as to mitigate strongly against implementation of a similar type of rule with respect to evening operation. This is particularly true in consideration of the fact that evening operation would be concerned not with a limited number of stations utilizing daytime facilities, as is the case in the morning, but with every station on the channel. Moreover, there can be little doubt that listener habits are such that interference in evening hours would be of much greater public concern than would early morning interference when people are normally at rest.

Adopted: July 13, 1960.



*Take to Cook*

LOUIS G. CALDWELL  
(1891-1951)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
FREDERICK M. ROWE  
ALOYSIUS B. McCABE

LAW OFFICES OF  
**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**

WORLD CENTER BUILDING - 1633 AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

**July 13, 1961**

JOSEPH DUCOEUR  
PAYMOND G. LARROCA  
JOHN P. MANWELL

**Mr. William E. Williamson, Clerk  
House Committee on Interstate and  
Foreign Commerce  
Room 1334, House Office Building  
Washington 25, D. C.**

**Re: Hearings To Be Held July 18-20, 1961  
Respecting HR 2745, et al.**

**Dear Mr. Williamson:**

**As attorney for Clear Channel Broadcasting Service (CCBS), I am writing to acknowledge receipt of your communication dated July 11, 1961 and to advise you that CCBS opposes enactment of HR 2745, et al., or any legislation which would authorize daytime only stations to operate before local sunrise or after local sunset.**

**It is respectfully requested that CCBS be authorized to present one witness to testify as to the reasons why CCBS is opposed to the legislation which will be the subject of hearings on July 18, 19 and 20. It is expected that the CCBS witness will require about one hour to make his presentation.**

**The CCBS witness will be Mr. John H. DeWitt, Jr., President of WSM, Inc., Nashville, Tennessee and Chairman of the CCBS Engineering Committee. Mr. DeWitt has advised the undersigned that his schedule will permit him to testify in Washington on Wednesday morning, July 19, 1961. Mr. DeWitt cannot appear on July 18 or July 20.**

**Respectfully,**

**R. Russell Eagan**

**RRE/ejm**

*Telefax*

# WESTERN UNION

SENDING BLANK

*Telefax*



CALL  
LETTERS

FFR PD

CHARGE  
TO

WSM, Inc. 7/17/61

The following message to go to these people:

The Honorable Estes Kefauver  
United States Senate  
Washington, D. C.

The Honorable Ross Bass  
House of Representatives  
Washington, D. C.

The Honorable Albert Gore  
United States Senate  
Washington, D. C.

The Honorable Joe Evins  
House of Representatives  
Washington

The Honorable Oren Harris  
House of Representatives  
Washington, D. C.

The Honorable Carlton Loser  
House of Representatives  
Washington, D. C.

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD

*Telex*

# WESTERN UNION

SENDING BLANK

*Telex*CALL  
LETTERS

FFR PD

CHARGE  
TO

WSM, Inc. 7/17/61

**Message:**

On Tuesday, July 18, Senator Caphart and Talmadge will introduce a Bill on radio legislation. The same bill will be introduced in the House by Congressmen Bennett (Michigan) and Flint (Georgia). It has to do with amendment of Sub-section C of Section 303 of the Communications Act and would specify the protection of clear channel radio stations which are so vital for coverage of the United States especially in rural and small town areas. I have been intimately connected with the radio allocations picture since 1934 and have followed the various proposals which have been made in connection with the clear channels as well as testifying before various Congressional Committees. I feel that this legislation is vital and I urge you with all the persuasion at my command to support it for the good of the American public. John H. DeWitt, Jr. Pres., WSM, Inc.

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD

LAW OFFICES OF  
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS  
WORLD CENTER BUILDING - 16<sup>TH</sup> AND K STREETS, N. W.  
WASHINGTON 6, D. C.  
TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

July 17, 1961

MEMORANDUM

TO: CCBS GENERAL MANAGERS AND CHIEF ENGINEERS

DOCKET 6741

Page 48 of the current issue of Broadcasting has a story with reference to the fact that three limited-time stations on Class I-A Clear Channel frequencies filed a petition last week with the Commission asking that the Final Order in the Clear Channel proceeding authorize these stations to operate fulltime. The stations concerned are KFAX, San Francisco, which operates on 1100 kc (KYW); KGBS, Los Angeles, which operates on 1020 kc (KDKA); and KXL, Portland, which operates on 750 kc (WSB).

Enclosed for your information is a copy of the opposition we filed today on behalf of CCBS.

6 TO 6 HOUSE HEARINGS

We also wish to take this opportunity to suggest that each station address letters to their Senators and Congressmen voicing opposition to the various Bills introduced in the House which would authorize operation of daytime stations from 6:00 a.m. to 6:00 p.m. Opposition letters should also be sent to Congressman Morgan Moulder (Chairman of the House Committee which will hold hearings on these Bills this week) with the request that the letters be reproduced as part of the hearing record. Each station should also request all possible farm organizations to send letters to Congressman Moulder objecting to enactment of the proposed legislation. In this connection, see our Memorandum of July 12, 1961 for the numbers of the various Bills and the names of the Congressmen serving on the pertinent House Committee.

Reed T. Rollo

R. Russell Eagan

Before the  
Federal Communications Commission  
Washington 25, D. C.

In the Matter of )  
 )  
 )  
 )  
CLEAR CHANNEL BROADCASTING IN ) DOCKET NO. 6741  
THE STANDARD BROADCAST BAND )

OPPOSITION OF CCBS TO PETITION OF STANDARD  
BROADCASTING COMPANY (KGBS, LOS ANGELES),  
ARGONAUT BROADCASTING COMPANY (KFAK, SAN  
FRANCISCO), AND SEATTLE, PORTLAND AND  
SPOKANE RADIO (KXL, PORTLAND) FOR ACCEPTANCE  
OF JOINT SUPPLEMENTAL COMMENTS

Clear Channel Broadcasting Service (CCBS), by its attorneys,  
hereby opposes the petition filed herein on July 7, 1961 by the licensees  
of KGBS, Los Angeles, California, KFAK, San Francisco, California,  
and KXL, Portland, Oregon for acceptance of Joint Supplemental  
Comments in the above-entitled proceeding. In support thereof, it  
is stated as follows:

I. Introductory

1. The instant proceeding was commenced, on the  
Commission's own motion, by an Order released February 20, 1945.  
The Commission's Notice of Hearing recited the fact that " there are  
still large areas of the continental United States which have no radio  
service during the day and no primary radio service at night." <sup>1/</sup>

---

<sup>1/</sup> These underserved areas are known as "white areas".

The purpose of the hearing was succinctly summarized by the then Chairman of the Commission who stated as follows:

"It is the Commission's earnest hope that \* \* \* the parties to this proceeding will come forward \* \* \* with constructive plans, looking toward whatever adjustments can be made to cover these white areas" (R. 1827).

2. On April 15, 1958, following the presentation of evidence in 1946 and 1947<sup>2/</sup> and Oral Argument held before the Commission en banc in 1948, the Commission issued a Second Notice of Further Proposed Rule Making (FCC 58-350). After reviewing Comments and Reply Comments filed pursuant to the April 15, 1958 Second Notice, the Commission on September 22, 1959 released a Third Notice of Further Proposed Rule Making (FCC 59-972). After reviewing Comments and Reply Comments filed pursuant to the September 22, 1959 Third Notice, the Commission on June 13, 1961 announced that it had instructed its staff the previous day to prepare a Report and Order which would terminate the instant proceeding by amending the rules so as to authorize the assignment of one unlimited time Class II station on each of 13 of the 25 Class I-A Clear Channel frequencies. The Commission's June 13, 1961 public announcement (P.N. B-6295) expressly stated:

"The Commission reserves the right to reach a different result upon the subsequent adoption and issuance of the formal decision."

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<sup>2/</sup> CCBS was the only party to present a plan to improve service to white areas.

3. The Commission's September 22, 1959 Third Notice expressly stated that Comments could be filed on or before November 20, 1959 and that Reply Comments could be filed within 30 days of November 20, 1959 (paragraph 18, FCC 59-972). By appropriate orders (FCC 60-455, released February 19, 1960 and FCC 60-422, released April 22, 1960) the time for filing Comments was subsequently extended to April 1, 1960 and the time for filing Reply Comments was extended to June 1, 1960.

4. The instant Joint Supplemental Comments filed July 7, 1961 by the licensees of KGBS, Los Angeles, KFAX, San Francisco and KXL, Portland request that the Final Decision released herein not only authorize Class II stations to operate in Colorado, New Mexico and Anchorage, Alaska on the frequencies of 1100, 1020 and 750 kc, as proposed in the June 13, 1961 Instructions, but also authorize KFAX, San Francisco to operate fulltime on 1100 kc, KGBS, Los Angeles to operate fulltime on 1020 kc and KXL, Portland to operate fulltime on 750 kc. The Class I-A Clear Channel stations assigned to these frequencies are KYW, Cleveland; KDKA, Pittsburgh; and WSB, Atlanta.

5. In essence, the Joint Supplemental Comments filed July 7 are in the nature of further Reply Comments to the Commission's September 22, 1959 Third Notice.

6. Recognizing the untimeliness of the tendered filing of the Joint Supplemental Comments, the petitioners filed a separate petition alleging that good cause exists for accepting the late filing of

the Joint Supplemental Comments.

7. For the reasons set forth below, the Joint Supplemental Comments should be rejected as untimely filed. Even if the Joint Supplemental Comments were considered on their merits, they would have to be rejected inasmuch as the proposals advanced would not result in service being added to white areas and in fact would have the result of adding services to cities already having a multiplicity of services at the expense of further degrading service to underserved rural and remote white areas.

II. The Joint Supplemental Comments Should Be Rejected As Untimely Filed

8. As set forth above, the time for filing Reply Comments to the Commission's September 22, 1959 Third Notice expired on June 1, 1960. Section 1.313(d) of the Commission's Rules and Regulations provide that following the expiration of the date for filing reply comments:

"No additional comments may be filed unless specifically requested by the Commission or authorized by it."

9. It is clear that the Commission has made no specific request for additional comments and it is equally clear that the Commission should not authorize the filing of additional comments. The petitioners advance three arguments in support of their premise that "good cause" exists for the acceptance of additional comments. Each of the arguments is equally invalid.



10. The first argument consists of the assertion that the petitioners are in a "unique" position. However, the petitioners fail to establish any meaningful "uniqueness" which they possess. Any number of stations or prospective applicants could "argue", as do the petitioners, that a particular Class II fulltime facility should be authorized to operate at a particular location on a particular Class I-A frequency. Such arguments should have been advanced in the Comments due herein on April 1, 1960 or in the Reply Comments due herein on June 1, 1960. Further, as shown below, the arguments advanced by the petitioners that the requested action would be in the public interest lack merit.

11. The second argument advanced consists of the fact that the 1960 Census enumerations have been released since June 1, 1960 and show "significantly increased populations in the Los Angeles, San Francisco and Portland areas." This fact does not constitute a reason for accepting additional comments at this time, especially in view of the fact that the Commission may take official notice of the 1960 Census. In addition, there is no showing by the petitioners that the 1960 Census changes in any way the basic problem confronting the Commission, namely that there are large areas and populations which do not receive any satisfactory nighttime groundwave service. The proposals advanced by the petitioners do not pose even a partial solution to this problem but would instead increase the magnitude of the problem.

12. The third and final argument advanced to show that "good cause" exists for accepting additional comments herein is

that the merits of the proposals advanced are such as to justify acceptance of late filing. This argument, even if true, constitutes no basis for the acceptance of late filings inasmuch as no showing is made that the proposals advanced in the Joint Supplemental Comments could not have been filed on or before June 1, 1960. In addition, as shown below, the proposals advanced by the Joint Supplemental Comments are lacking in merit.

III. The Joint Supplemental Comments,  
If Considered, Should Be Rejected  
As Lacking In Merit

13. As established conclusively in the various comments filed previously herein by CCBS, substantial land areas of the continental United States (some 57.99%) in which substantial populations reside (some 25.6 million people) do not receive a single adequate nighttime groundwave service. These white areas and populations must depend upon skywave service if they are to receive any nighttime radio service. Additional millions of persons residing in rural and small-town America are dependent upon skywave service for any choice of nighttime radio service.

14. It is beyond dispute that because of the physical laws of nature and the population distribution over the land area of the United States, it is impossible to provide a nighttime groundwave service to all areas of the continental United States. Accordingly, any change in the present allocation scheme in the standard broadcast band must recognize that existing nighttime skywave service must be retained at

the very minimum and must be improved if any relief is to be brought to the millions of persons presently living in underserved areas. It is for this reason that CCBS has advocated throughout the course of this proceeding that each and every one of the too few remaining Class I-A Clear Channel frequencies must be kept free of nighttime duplication and each of the Class I-A Clear Channel stations should be authorized to operate with power in excess of 50 kw.

15. The duplications proposed in the Commission's June 13, 1961 Instructions would not result in any significant additional nighttime skywave service to white areas and in fact would lead to a substantial increase in the amount of white areas and populations. If any nighttime duplication is permitted on any Class I-A Clear Channel, it is axiomatic that "creeping paralysis" would set in with the result that additional services would be provided to well served city areas at the expense of taking service away from underserved areas and prohibiting forever the only feasible means of improving service to white areas and populations, namely an increase of operating power for Class I-A Clear Channel stations. A graphic example of domestic "creeping paralysis" is the case history of 850 kc (formerly 830 kc) which was duplicated in 1941 so as to permit WHDH, Boston to operate fulltime on this frequency in addition to KOA, Denver. Since 1941 fulltime stations have been added on 850 kc in Birmingham, Alabama; Gainesville, Florida; West Palm Beach, Florida; Muskegon, Michigan; Raleigh, North Carolina; Cleveland, Ohio; Reading, Pennsylvania; Norfolk, Virginia;

and Tacoma, Washington. Other examples of the disastrous domestic and international effect of duplicating Class I-A Clear Channel frequencies are set forth in Exhibits 1 and 2 of the CCBS Comments filed herein on August 15, 1958.

16. The instant Joint Supplemental Comments document the fact that additional duplications are bound to occur, domestically and internationally, if the duplications proposed in the June 13, 1961 Instructions are effectuated with the result that the well served cities will receive additional services and underserved rural and remote areas will have their existing inadequate service further degraded. In this connection, it is significant that the petitioners operate stations in cities which are already well served (Portland, Oregon; Los Angeles, California; and San Francisco, California).

17. It is particularly significant that the engineering showing attached to the Joint Supplemental Comments shows on its face that if the three stations concerned were authorized to operate fulltime, none would provide any nighttime skywave service whatsoever. This fact alone establishes the lack of merit inherent in the proposals advanced by the Joint Supplemental Comments. Accordingly, if the Joint Supplemental Comments are considered on their merits, they should be rejected.

18. The instant proceeding was initiated on the Commission's own motion in 1945 because of the recognized need to

improve service to white areas and populations. This can be done only by improving the amount and the quality of (in terms of signal strength) nighttime skywave service. The petitioners' proposal should be rejected since it would reduce rather than improve nighttime skywave service to underserved areas. As shown in the pleadings timely filed herein by CCBS, the only feasible means of improving significantly nighttime skywave service to areas in need of service is to retain inviolate each of the existing Class I-A Clear Channel frequencies and to authorize Class I-A Clear Channel stations to operate with power in excess of 50 kw.

WHEREFORE, the premises considered, it is respectfully requested that the instant Petition for Acceptance of Supplemental Comments be denied, or in the alternative, that the instant Joint Supplemental Comments be denied as lacking in merit.

Respectfully submitted,

CLEAR CHANNEL BROADCASTING  
SERVICE

By \_\_\_\_\_  
Reed T. Rollo

\_\_\_\_\_  
Percy H. Russell

\_\_\_\_\_  
R. Russell Eagan  
of  
Kirkland, Ellis, Hodson, Chaffetz  
& Masters  
800 World Center Building  
Washington 6, D. C.

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing document were mailed,  
first class postage prepaid, this 17th day of July to each of the following:

Hart S. Cowperthwait, Esq.  
Chief, Rules and Standards Division  
Broadcast Bureau  
Federal Communications Commission  
Washington 25, D. C.

John W. Steen, Esq.  
40 Wall Street  
New York, N. Y.  
Counsel for Westinghouse Broadcasting Company  
(KYW, KDKA)

John A. Rafter, Esq.  
Dow, Lohnes and Albertson  
Munsey Building  
Washington 4, D. C.  
Counsel for Atlanta Newspapers, Inc. (WSE)

Joseph E. Baudino, Esq.  
1625 K Street, N. W.  
Washington 6, D. C.  
Vice President, Westinghouse Broadcasting Company  
(KYW, KDKA)

Vernon L. Wilkinson, Esq.  
McKenna and Wilkinson  
1735 DeSales Street, N. W.  
Washington 6, D. C.  
Counsel for Argonaut Broadcasting Company (KFAX)

Robert F. Jones, Esq.  
Jones and Zwicky  
515 Perpetual Building  
Washington 4, D. C.  
Counsel for Standard Broadcasting Company (KGBS)

Jack P. Blume, Esq.  
Fly Shuebruk, Blume and Gaguine  
1612 K Street, N. W.  
Washington 5, D. C.  
Counsel for Seattle Portland and Spokane Radio (KXL)

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R. Russell Egan



# CLEAR CHANNEL BROADCASTING SERVICE

*Your Attention Please!*

July 7, 1961

## MEMORANDUM

To CCBS Managers and Chief Engineers

It has recently come to our attention that the House of Representatives and the Senate of the State of Delaware have adopted a Joint Resolution requesting the Federal Communications Commission to issue a Rule or Order permitting at least one Delaware radio station to broadcast on a 24 hour basis with sufficient power to serve the entire state of Delaware. This resolution was approved by the Governor of Delaware and forwarded to Speaker Rayburn of the U. S. House of Representatives. The resolution has been referred to the House Committee on Interstate and Foreign Commerce. We do not anticipate any action by the House Committee but we are forwarding herewith copies of the resolution and the Delaware Governor's transmittal letter for your information, since we believe the resolution was inspired by daytime broadcasters and may be an indication of the tactics that may be employed by the daytimers in other states. If any of you learn of similar action in your own state legislatures, we shall appreciate being advised.

Reed T. Rollo  
Fercy H. Russell  
R. Russell Eagan

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Y

STATE OF DELAWARE

June 12, 1961

The Honorable Samuel Rayburn  
Speaker of the House of  
Representatives  
Washington, D. C.

Dear Mr. Speaker:

Due to recent regulations of the Federal Communications Commission it is not possible for any Delaware radio station to broadcast on an evening pattern that will properly service the area of lower Delaware.

It is the desire of the citizens of the State of Delaware, and in their best interests, that this situation be remedied as soon as possible. The citizens of our State, speaking through their elected representatives, call this problem to your attention by the enactment of House Joint Resolution No. 3, a certified copy of which is enclosed.

As Governor of the State of Delaware I call upon you to hear this petition from the citizens of our State and to take the appropriate action to assure adequate twenty-four hour per day, statewide coverage for radio broadcasts originating in Delaware.

Cordially yours,

Elbert N. Carvel  
Governor

ENC:raw



C  
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HOUSE JOINT RESOLUTION NO. 3

REQUESTING THE PRESIDENT OF THE UNITED STATES TO TAKE THE NECESSARY ACTION TO ASSURE THE CITIZENS OF THE STATE OF DELAWARE OF ADEQUATE RADIO RECEPTION.

WHEREAS, due to recent regulations of the Federal Communications Commission there is no radio station located within the State of Delaware which can be received throughout the State of Delaware on a 24 hour basis, AND

WHEREAS, the present rules of the Federal Communications Commission do not permit any Delaware radio station to broadcast on an evening pattern that will properly service the area of lower Delaware, AND

WHEREAS, the people of lower Delaware are thereby prevented from receiving news concerning happenings of vital interest to them after sundown, AND

WHEREAS, it is to the best interests of the people of Delaware culturally, economically and socially to be bound together and to be well informed, NOW, THEREFORE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES of the 121st General Assembly of the State of Delaware, the Senate concurring therein, that the Federal Communications Commission take such action as may be necessary to issue a rule or order permitting at least one Delaware radio station to properly service the entire State of Delaware on a daily 24 hour basis, AND

BE IT RESOLVED, that the attention of the President of the United States be called to this attempt by the people of Delaware to obtain adequate radio reception, AND

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the President of the United States, to the Senate and House of Representatives of the 87th Congress and to the Federal Communications Commission, Washington, D.C.

APPROVED MAY 16, 1961.

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STATE OF DELAWARE

OFFICE OF SECRETARY OF STATE

I, ELISHA C. DUKES, Secretary of State of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of House Joint Resolution No. 3 entitled "REQUESTING THE PRESIDENT OF THE UNITED STATES TO TAKE THE NECESSARY ACTION TO ASSURE THE CITIZENS OF THE STATE OF DELAWARE OF ADEQUATE RADIO RECEPTION," adopted by the House of Representatives of the 121st General Assembly on March 16, 1961 and by the Senate of the 121st General Assembly on April 26, 1961 and approved by the Governor on May 16, 1961.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Dover this     fifth     day of     June     in the year of our Lord one thousand nine hundred and     sixty-one    

    /s/ Elisha C. Dukes    

Secretary of State

SEAL



# CLEAR CHANNEL BROADCASTING SERVICE

## *Your Attention Please!*

February 3, 1961

TO ALL CCBS GENERAL MANAGERS AND FARM DIRECTORS:

The following resolutions of interest to CCBS were adopted by the three major farm organizations at their recent annual meetings.

If you have copies of any State farm organization resolutions that have been adopted in 1960, we would appreciate receiving a copy for our files.

### THE NATIONAL GRANGE

#### Clear Channel Radio

"We reaffirm the traditional Grange stand to retain Clear Channels and increase their power as a means of improving radio service to remote rural regions of the country and to assure a reliable method of reaching all rural areas on an emergency basis for defense purposes.

"While recognizing the excellent service to agriculture, provided by certain Clear Channel Stations, we urge that all of them maintain the highest possible service to agriculture."

### AMERICAN FARM BUREAU FEDERATION

#### Radio and Television

"Citizens on our farms and ranches, no less than in our cities, have an interest in the total product of radio and television. To rural people this means that management and broadcasters have an obligation not only to provide farm service broadcasting, but also to maintain consistently high standards in news and other programs. We commend the many radio and television stations that have done well in this respect.

"We recognize that many serious problems face the radio and television industries. We are concerned about certain proposals which, if put into effect, would impair or destroy the service to many rural areas.

"We recommend that Congress require the Defense Department to show cause why this department should be granted or be permitted to hold exclusive rights to large areas of the broadcasting spectrum.

"In the case of television services we strongly urge that the Federal Communications Commission and the Congress not consider, even on a temporary basis, any proposal or plan to curtail any future development or impair existing television service available to people living in rural sections of our nation.

"We favor establishment of booster stations to extend and improve television service to rural areas where their use does not impair present service in such areas.

"In the case of radio services we recommend that the Federal Communications Commission determine the number of clear channel stations needed to provide adequate service and prescribe standards of service and performance under which such clear channel stations may hold their licenses.

"We favor legislation to place cable television systems under direct regulation of the Federal Communications Commission. Acting under this legislation, the Commission should promulgate rules and regulations to protect the rights of rural television viewers in areas where cable systems are in operation or where such operation is proposed."

#### NATIONAL COUNCIL OF FARMER COOPERATIVES

##### Radio and Television Broadcasting

"American farmers for many years have utilized radio, and more recently television, both as a valuable working tool in the operation of their farms and as a source of entertainment. The National Council of Farmer Cooperatives long has recognized the important service rendered to farmers by the nation's broadcasters and again takes cognizance of the benefits of effective and well-programmed radio and television broadcasts.

"The Council reiterates its position that clear-channel radio stations and adequate power for them are an important means of serving farms and small towns throughout America,

particularly those in remote areas, and opposes actions which would decrease their effectiveness. It recognizes also the support and service rendered by local and regional stations, and it again commends these stations for their support of agriculture and solicits their continued activity in this field.

"Likewise, the Council believes that adequate television service can be provided to rural areas only if mileage separations between stations are maintained at distances proven by existing engineering standards to be sufficient to prevent interference between signals, and if the channels currently providing service to agriculture, channels 2 through 13, are maintained intact without downgrading of present service. For this reason, the Council calls upon the Congress and the Federal Communications Commission to take no actions which in any manner would tend to impair the broadcasting services, both radio and television, now available to farmers and residents of small towns. We call upon the Congress and the Commission, instead, to direct their efforts in this important field toward improving and expanding broadcasting services to rural areas."

Bernice Hase  
CCBS



# CLEAR CHANNEL BROADCASTING SERVICE

## *Your Attention Please!*

December 29, 1960

TO ALL CCBS GENERAL MANAGERS, PROGRAM DIRECTORS AND FARM DIRECTORS:

### ANNUAL MEETING OF THE NATIONAL COUNCIL OF FARMER COOPERATIVES

The 32nd Annual Meeting of the National Council of Farmer Cooperatives will be held at the Jung Hotel, New Orleans, Louisiana, January 9-12, 1961.

CCBS Farm Directors have probably received an invitation from the Council to attend the session. Orion Samuelson of WGN and John McDonald of WSM will represent CCBS. If you are unable to fit it into your schedule and want any recordings made with Council representatives from your state, please get in touch with these two farm directors.

George B. Blair, President of the National Council of Farmer Coops will make his address to the delegate body at the opening luncheon on Monday, January 9, at 12:15 p.m. His remarks will be recorded and edited to 28 minutes 30 seconds. A tape copy will be sent to all CCBS program directors, together with live open and close to be used in connection with it. The recording should reach you in time to schedule it on or after mid-day Friday, January 13. I hope that, as in the past, you will make the best available time possible for the annual report of this agricultural leader.

If you cannot use this recording, I would appreciate your advising me as soon as possible.

Bernice Hase  
CCBS



# CLEAR CHANNEL BROADCASTING SERVICE

## *Your Attention Please!*

### MINUTES OF ANNUAL MEETING OF CLEAR CHANNEL BROADCASTING SERVICE SUNDAY, MAY 7, 1961

CONFIDENTIAL

CONFIDENTIAL

Pursuant to notice, the annual meeting of the Clear Channel Broadcasting Service was held in the Hamilton Room of the Sheraton-Park Hotel in Washington, D. C. on Sunday, May 7, 1961 commencing at 4:00 p.m.

In the absence of Chairman Edwin W. Craig, Treasurer Harold Hough presided. R. Russell Eagan served as Acting Secretary.

The following representatives of member stations, arranged by frequency, were present:

KFI	George A. Wagner Charles E. Hamilton H. L. Blatterman	<u>WLW</u>	James D. Shouse Clyde Haehnle Howard Lepple
<u>WSM</u>	John H. DeWitt, Jr. Irvin Waugh Johnie S. Campbell	<u>WGN</u>	Ward L. Quael Carl J. Meyers Charles E. Gates Don Calibraro

<u>WSB</u>	Frank Gaitner R. A. Holbrook	<u>WBAP</u>	Harold Hough Roy Bacus A. M. Herman
<u>WJR</u>	John F. Patt Worth Kramer F. Sibley Moore James H. Quello George F. Leydorf A. Friedenthal	<u>WFAA</u>	George K. Utley
		<u>WHAS</u>	Victor A. Sholis Orrin W. Towner Neville Miller
		<u>WHO</u>	Ralph Evans Paul Loyet
		<u>WHAM</u>	Henry Chrystal Irvin Gross
		<u>WOAI</u>	Charles Jeffers

Also present were J. D. Bloom of WWL; Arch Madsen and Vincent E. Clayton of KSL; Bernice Hase, CCBS Secretary; and Reed T. Rollo and R. Russell Eagan of Kirkland, Ellis, Hodson, Chaffetz & Masters, CCBS legal counsel.

Upon motion duly made, seconded and approved, reading of the minutes of the annual meeting held in Chicago on Sunday, April 3, 1960 was dispensed with and the minutes were approved.

Mr. Eagan reported briefly on the activities of the CCBS Washington office. In the absence of the Washington Director, Miss Hase is carrying through with the necessary arrangements with members of the Senate and House in connection with weekly 15-minute broadcasts on behalf of member stations KFI, WHAM, WHAS, and WJR. Mr. Eagan emphasized this service is available to all CCBS stations and also pointed out that Miss



Hase is also presently carrying through with the necessary arrangements in connection with sending out duplicate tapes of addresses at various agricultural meetings, especially the addresses at the annual meetings of the American Farm Bureau Federation, The National Grange, and the National Council of Farmer Cooperatives. On occasion Miss Hase receives tapes from various CCBS Farm Directors which she arranges to have duplicated and sent out to member stations.

Mr. Rollo reported on the legal activities which took place since the last annual meeting with respect to the Clear Channel Case (Docket 6741), the Daytime Skyway Case (Docket 8333), the WTAO appeal and the efforts of daytime stations to secure extended hours of operation:

(a) As reported in the current issue of Broadcasting magazine (Closed Circuit), the Commission has not voted on the Clear Channel Case since Chairman Minow took office. However, indications are that a final vote will be taken in the near future.

(b) On October 27, 1960, the Court of Appeals affirmed the Commission's decision in the Daytime Skyway Case.

(c) On March 30, 1961, the Court of Appeals affirmed the Commission's action of refusing to waive the freeze on daytime stations and refusing to process the WTAO application to operate daytime only on 720 kc.

(d) Hearings were held in June of 1960 before a House Committee on five bills proposing to amend the Communications Act

so as to authorize operation of all daytime stations from 6:00 a. m. to 6:00 p. m. , regardless of the times of local sunrise and sunset. These bills were opposed by the Commission as well as by CCBS and no action was ever taken by the House Committee following the hearings. Since the new Congress convened in January of 1961 similar bills have been introduced. If additional hearings are held, the proposals will again be opposed by the Commission as well as by CCBS.

Mr. Rollo concluded his report by thanking the members for the confidence expressed in the law firm at the last annual meeting when the annual retainer was increased. Mr. Rollo went on to discuss in detail the legal fees and work done for CCBS for the calendar year 1960.

Following Mr. Rollo's report, there was discussion by the members of the various matters covered in his report. In response to an inquiry, Mr. Rollo stated that in his opinion, concurred in by his partners, it would be improper and a violation of the Commission's rules for any member or any representative of CCBS to talk to any Commissioner, directly or indirectly, with respect to the merits of the issues involved in the pending Clear Channel case. Mr. Rollo's legal opinion was based primarily on the Court of Appeals May 8, 1959 decision in the case of Sangamon Valley Television Corporation v. U. S.

Mr. Hough gave the treasurer's report and stated that an additional assessment will be levied in the near future. The assessment will be allocated on the basis adopted at last year's annual meeting. Mr. Hough paid tribute to the wonderful guidance afforded over the years by Mr. Craig and expressed his sorrow that Mr. Craig could not be present for the meeting. Mr. Hough also complimented Miss Hase and praised the work of CCBS legal counsel.

Following the treasurer's report there was general discussion by the members. It was made clear in this discussion that the Executive Committee has authority from the membership to select a new CCBS Director. Also, upon motion duly made, seconded and approved, the Executive Committee was empowered to authorize the filing of any necessary legal documents by CCBS counsel.

Upon motion duly made, seconded and approved, R. Russell Eagan was authorized to inform the Press of the events which took place at the meeting.

The meeting adjourned at approximately 4:55 p. m.

R. Russell Eagan  
Acting Secretary

Office of  
Edwin W. Craig

*Mr. De Lee*

---

CROSLEY BROADCASTING CORPORATION  
CROSLEY SQUARE  
CINCINNATI

JAMES D. SHOUSE  
CHAIRMAN OF THE BOARD

June 13, 1961

Mr. Edwin W. Craig  
The National Life and Accident Ins. Co.  
National Building  
Nashville 3, Tennessee

Dear Ed:

As you may know Jim Rockwell and Clyde Haehnle from our Company attended the meeting last Monday which Jack called in Nashville. They told me in some detail of what transpired and were highly enthusiastic about the possibility outlined, so I am very glad indeed to approve the appointment of Fritz Leydorf as consultant on this project involving one-fourth of his time at a retainer of \$5,000 and travel expenses.

I will be extremely interested in learning the outcome of the further meeting held on Friday, June 9 in Pittsburgh.

As always my very best to you, Ed.

Very sincerely



J. D. Shouse

CC - Mr. Jack DeWitt



# AM-FM-TV

FORT WORTH TELEPHONE JE 6-1981

DALLAS TELEPHONE AN 2-5224—AN 2-4622

P. O. BOX 1780

OFFICES AND STUDIOS 3900 BARNETT STREET  
FORT WORTH, TEXAS

June 12, 1961

AMON CARTER  
FOUNDER  
1922-1955

AMON CARTER, JR.  
PRESIDENT

HAROLD HOUGH  
DIRECTOR

ROY BACUS  
MANAGER

Mr Edwin W Craig  
The National Life and Accident  
Insurance Company  
National Building  
Nashville 3 Tennessee

Dear Mr Craig:

WBAP-820  
50,000 WATTS  
NB  
C

Answering your letter of June 9 in reference to putting Fritz Leydorf on the payroll for one year at \$5000.00 is satisfactory with me, and I will vote, yes. Please instruct Mr. Leydorf to supply the usual requisitions, this time I hope through Jack DeWitt.

WBAP-570  
5,000 WATTS  
ABC

WBAP-TV  
CHANNEL 5  
NB  
C

It appears that the meeting in Pittsburgh could have been very profitable and timely - at least I hope so.

WBAP-FM  
96.3

We are now in the process of sending out another assessment, which is being paid promptly, and we hope in a few days to take care of our balance to the law firm in Washington.

Thank you for the nice letter bringing me up to date on matters, and all good wishes.

Sincerely,

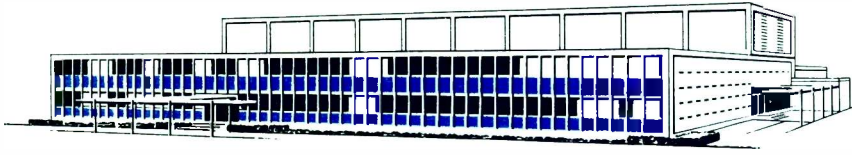


Harold Hough

HVH:b

PETERS, GRIFFIN, WOODWARD, INC., *National Representatives*

WBAP SHARES FREQUENCIES WITH WFAA. THE TWO STATIONS MAINTAINING CONTINUOUS SERVICE ON 820 KC. AND 570 KC.



Radio/720 Television/channel 9

**wgn inc.** 2501 West Bradley Place • Chicago 18, Illinois • LAkeview 8-2311

June 14, 1961

Dic. 6-12-61

Mr. Edwin W. Craig  
Chairman of the Board  
National Life and Accident Insurance Company  
National Building  
Nashville 3, Tennessee

My dear Ed:

Thank you for your kind letter of June 8 in regard to the Pittsburgh meeting.

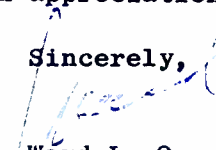
I cannot begin to tell you how heart-warming is the news that there is this development which gives us a "potential" for the future of our group. More importantly, however, is the preservation for the people of America of this important national resource.

Ed, in writing to you today, I would be remiss if I didn't compliment you and Jack DeWitt for making this possible. Some day, some how, the rest of us in the group should find a way to repay WSM for all that it has done throughout the years of our clear channel history.

As a station supporter of the group and as a member of the Executive Committee, I am most happy with the plans regarding the hiring of Mr. Leydorf.

Kindest personal regards and much appreciation, Ed.

Sincerely,

  
Ward L. Quaal  
Executive Vice President  
General Manager  
WGN, Inc.

WLQ/ck

REPORT OF CASH EXAMINATION  
CLEAR CHANNEL BROADCASTING SERVICE-WASHINGTON, D. C.  
YEAR ENDED DECEMBER 31, 1960

ERNST & ERNST



--oo0oo--

REPORT OF CASH EXAMINATION

CLEAR CHANNEL BROADCASTING SERVICE - WASHINGTON, D. C.

Year ended December 31, 1960

--oo0oo--

## STATEMENT OF RECORDED CASH RECEIPTS AND DISBURSEMENTS

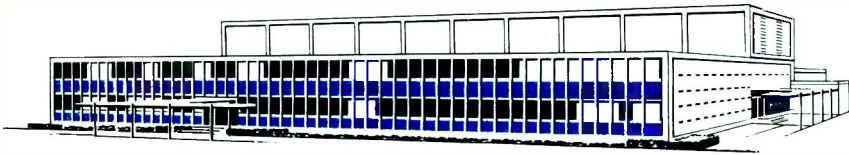
## CLEAR CHANNEL BROADCASTING SERVICE

Year ended December 31, 1960

Cash balance at January 1, 1960		\$ 7,615.39
Receipts:		
Station dues	\$70,217.00	
Special assessment	20,000.00	
Pay roll taxes withheld from employees	<u>4,421.79</u>	<u>94,638.79</u>
TOTAL TO ACCOUNT FOR		\$102,254.18
Disbursements:		
Salaries	\$26,551.04	
Legal and professional fees and expenses	27,918.40	
Travel and entertainment expenses	6,284.90	
Printing, postage, telephone and telegraph	1,765.29	
Office rent	2,353.75	
Office supplies and expense	1,417.92	
Recording and engineering	23,106.13	
Pay roll taxes remitted	4,663.79	
Fidelity bond	<u>40.00</u>	<u>94,101.22</u>
Cash balance at December 31, 1960 - on deposit - First National Bank, Fort Worth, Texas		\$ <u><u>8,152.96</u></u>







Radio/720 Television/channel 9

**wgn inc.**

2501 West Bradley Place • Chicago 18, Illinois • LAkeview 8-2311

Ward L. Quaal Executive Vice President and General Manager

Dec. 9-3-61

Confidential

September 6, 1961

Mr. John H. DeWitt, Jr.  
WSM  
Nashville 3, Tennessee

Subject: Confidential  
Memorandum of August 28 -  
Air Force - CCBS

Dear Jack:

In acknowledging receipt of the subject memorandum, I not only want to express anew my gratitude for your never-ending efforts in behalf of our clear channel organization, but to tell you that such a contribution as yours makes one feel extremely humble.

This entire matter and the progress surrounding development of same is most heartwarming.

Many thanks, Jack.

Sincerely,

Ward L. Quaal

WLQ/r

cc: J. Howard Wood  
Carl Meyers  
Charlie Gates  
Reed T. Rollo, Esq.  
R. Russell Eagan, Esq.

# Central Broadcasting Company

1100 Walnut Street  
Des Moines 7, Iowa

PAUL A. LOYET  
VICE-PRESIDENT AND  
GENERAL MANAGER

WHO-AM-FM-TV

September 8, 1961

Mr. Edwin Craig  
WSM  
Nashville, Tennessee

Dear Ed:

This confirms our wire of today telling you that Roy Pratt will attend the Clear Channel meeting in your office Thursday, September 14.

I would like very much to be with you all but I had a laryngectomy at Mayo's August 19, returned to the office August 31. The doctors give me a completely clean bill of health, for which I am most thankful. Right now I'm in the process of learning to talk with the Stomach Air Control technique and for the next couple of weeks communication will be a little slow.

Roy is well informed on our projects and problems. He is a 30-year veteran with WHO. I know he will do a good job for WHO and for Clear Channel.

Best personal regards.

Sincerely,



Paul A. Loyet



Reed Rollo and Russ Eagan arrival approx 6:30 PM  
George Wagner (KFI) arrival 7:57 PM  
Charlie Jeffers (NOAI) arrival 6:35 AAL Fl. 278  
John Patt or James Quello (WJR) arrival 8:35 PM  
Roy Pratt (WHO) arrival 1:00 PM  
Jim Cooper (WFAA) ?  
Wm. D. Wagner (WHO) Andrew Jackson ?  
Hank Christal  
R. J. Rockwell (WLW) ?  
Ward Quaal (WGN)  
Carl Meyers (WGN)  
Vic Sholis (WHAS) arrival Thurs.  
Frank Gaither (WSB) arrival Thurs.  
Abe Herman (WBAP) ?  
Rex Campbell (KSL) Stalt Lake Cotu very late arrival

C  
O  
P  
Y



*Telefax*

# WESTERN UNION

SENDING BLANK

*Telefax*



CALL  
LETTERS

PLQ

PD

CHARGE  
TO

WSM. INC.

September 7, 1961

FULL RATE CABLE

Jack DeWitt

Kensington Close Hotel, Wrights Lane W. 8

Kensington W. S., England

Clear Channel Meeting Nashville September Fourteenth. Regards.

Edwin Craig

Send the above message, subject to the terms on back hereof, which are hereby agreed to

**PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD**

September 6, 1961

**NIGHT LETTER**

Some of the most active members of our group and our Washington attorneys have convinced me that there is critical need for an early meeting of all Clear Channel representatives. I will therefore appreciate it if you will attend such a meeting in my office here in Nashville at 9:30 Thursday morning, September 14. Please confirm your acceptance at your earliest convenience. Best regards.

Edwin Craig

Copy to Mr. Jack DeWitt, President  
WSM, Inc.

**STATION KFI**

Mr. George A. Wagner, President and General Manager - yes (no - poster)  
Earle C. Anthony, Inc.  
141 N. Vermont Avenue  
Los Angeles, California  
Downtown -

Mr. Charles E. Hamilton, Assistant to the President  
Earle C. Anthony, Inc.  
141 N. Vermont Avenue  
Los Angeles, California

**STATION WLW**

Mr. James Sheuse, Chairman of the Board  
Cresley Broadcasting Corporation  
Cresley Square  
Cincinnati 2, Ohio

Mr. Robert E. Dundille, President and General Manager  
Cresley Broadcasting Corporation  
Cresley Square  
Cincinnati 2, Ohio

**STATION WGN**

Mr. Ward Quaal, Executive Vice President and General Manager  
WGN, Inc.  
2501 West Bradley Place  
Chicago 18, Illinois

**STATION WSB**

Mr. J. Leonard Rinsch, Executive Director - no in Europe  
Radio Station WSB  
1601 W. Peachtree St., N. E. Frank Gatter  
Atlanta 9, Georgia

**STATION WJR**

Mr. John Patt, Chairman of the Board  
The Goodwill Stations, Incorporated  
1243 Statler Hotel  
Cleveland, Ohio

Patt or Guello  
at Downtown

Mr. Werth Kramer, President  
The Goodwill Stations, Inc.  
Fisher Building  
Detroit 2, Michigan

**STATION WBAP**

Mr. Harold Hough  
Radio Station WBAP  
Fort Worth, Texas

Mr. A. M. Herman, Esquire (attorney)  
Electric Building  
Fort Worth, Texas

**STATION WFAA**

**Mr. James Moroney, Sr., Vice President**  
**The Dallas Morning News**  
**Dallas 2, Texas**

**Mr. Mike Shapiro, General Manager**  
**Radio Station WFAA**  
**Young and Record Street**  
**Dallas, Texas**

*no - Jim Cooper (D.T.)*

**STATION WHAS**

**Mr. Victor A. Sholis, Director**  
**Radio Station WHAS**  
**6th and Broadway**  
**Louisville 2, Kentucky**

**STATION WHO**

**Dr. D. D. Palmer, President**  
**Central Broadcasting Company**  
**1002 Brady Street**  
**Davenport, Iowa**

**Mr. Paul Loyet, Vice President and Resident Manager**  
**Station WHO**  
**1100 Walnut Street**  
**Des Moines, Iowa**

*Roy Pratt - Downtowner*

**STATION WHAM**

**Mr. Irving Gross**  
**Henry I. Christal Co., Inc.**  
**579 Fifth Avenue**  
**New York 17, N. Y.**

**Mr. Arthur Kelly, Manager**  
**Radio Station WHAM**  
**201 Humboldt St.**  
**Rochester 3, N. Y.**

**STATION WOAI**

**Mr. James M. Gaines, President**  
**Radio Station WOAI**  
**1031 Navarro Street**  
**San Antonio, Texas**

*Jeffers*

*Telfax*

# WESTERN UNION

SENDING BLANK

*Telfax*CALL **FFR PD**  
LETTERSCHARGE TO **WSM, Inc. 8/30/61**

The Honorable Oren Harris  
Chairman, Interstate and Foreign Commerce Committee  
House Office Building, Washington, D. C.

I understand that there is pending before your Committee a resolution by Congressman Dingell (Mich.) urging the Committee to request the FCC to withhold final decision in the clear channel case Docket 6741 until such time as your Committee can hold hearings on Bills which seek to amend the Communications Act with respect to clear channel allocations. May I earnestly request your support for Congressman Dingall's resolution. We feel that this matter requires the most careful consideration on the part of your Committee. The clear channel issue not only affects present and future radio service to millions of Americans but involves the retention of a national resource for communications in time of war.

John H. DeWitt, Jr. - WSM, Inc.

Send the above message, subject to the terms on back hereof, which are hereby agreed to

**PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD**

# ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeated message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeated message and paid for as such, in consideration whereof it is agreed between the sender of the message and the Telegraph Company as follows:

1. The Telegraph Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeated-message rate beyond the sum of five hundred dollars; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeated-message rate beyond the sum of five thousand dollars, unless specially valued; nor in any case for delays arising from unavoidable interruption in the working of its lines.

2. In any event the Telegraph Company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the actual loss, not exceeding in any event the sum of five thousand dollars, at which amount the sender of each message represents that the message is valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid and an additional charge equal to one-tenth of one per cent of the amount by which such valuation shall exceed five thousand dollars.

3. The Telegraph Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.

4. The applicable tariff charges on a message destined to any point in the continental United States listed in the Telegraph Company's Directory of Stations cover its delivery within the established city or community limits of the destination point. Beyond such limits and to points not listed in the Telegraph Company's Directory of Stations, the Telegraph Company does not undertake to make delivery but will endeavor to arrange for delivery by any available means as the agent of the sender, with the understanding that the sender authorizes the collection of any additional charge from the addressee and agrees to pay such additional charge if it is not collected from the addressee.

5. No responsibility attaches to the Telegraph Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Telegraph Company's messengers, he acts for that purpose as the agent of the sender; except that when the Telegraph Company sends a messenger to pick up a message, the messenger in that instance acts as the agent of the Telegraph Company in accepting the message, the Telegraph Company assuming responsibility from the time of such acceptance.

6. The Telegraph Company will not be liable for damages or statutory penalties when the claim is not presented in writing to the Telegraph Company, (a) within ninety days after the message is filed with the Telegraph Company for transmission in the case of a message between points within the United States (except in the case of an intrastate message in Texas) or between a point in the United States on the one hand and a point in Alaska, Canada, Mexico, or St. Pierre-Miquelon Islands on the other hand, or between a point in the United States and a ship at sea or in the air, (b) within 95 days after the cause of action, if any, shall have accrued in the case of an intrastate message in Texas, and (c) within 180 days after the message is filed with the Telegraph Company for transmission in the case of a message between a point in the United States and a foreign or overseas point other than the points specified above in this paragraph; provided, however, that this condition shall not apply to claims for damages or overcharges within the purview of Section 415 of the Communications Act of 1934, as amended.

7. It is agreed that in any action by the Telegraph Company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.

8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.

9. No employee of the Telegraph Company is authorized to vary the foregoing.

4-54

## CLASSES OF SERVICE

### DOMESTIC SERVICES

#### TELEGRAM

The fastest domestic service.

#### DAY LETTER (DL)

A deferred same-day service, at low rates.

#### NIGHT LETTER (NL)

Economical overnight service. Accepted up to 2 A. M. for delivery the following morning, at rates lower than the Telegram or Day Letter rates.

### INTERNATIONAL SERVICES

#### FULL RATE (FR)

The fastest overseas service. May be written in code, cipher, or in any language expressed in Roman letters.

#### LETTER TELEGRAM (LT)

For overnight plain language messages, at half-rate. Minimum charge for 23 words applies.

#### SHIP RADIOGRAM

For messages to and from ships at sea.



from IRVING WAUGH

Mr. De Witt

We are cancelling  
the last four Spencer  
adds. We will have  
to pay a short rate  
penalty of \$1000.<sup>00</sup>  
There will be one more  
add appearing in Sept.

Sincerely,  
Irving



from IRVING WAUGH

Mr. DeWitt

Re your message  
WSM-TV is in the  
middle of a 13 week  
schedule however  
I believe we can  
cancel with penalty.  
I will instruct "Chuck"  
to do so. You will of  
course see ads on  
that are now in the bill  
I am





from JACK DeWITT

Mr Wengh

Please see to  
it that "Spouse" gets  
NO advertising of ours.

When Mr. Hedford  
(Glenn) complains send  
him to see me

Just

August 13, 1961  
No. 6/11/61

Mr. Norman S. Glass  
Editor & Publisher  
Sponsor  
40 East 48th Street  
New York 17, New York

Dear Norm:

Sixty days ago, I addressed a communication to you in regard to the "grave-digging ceremony" conducted in behalf of the Clear Channel organization by your Washington correspondent. You replied that in the future, such copy would be more closely checked.

Upon my return from a holiday in the east and several business trips, I note in the July 31 issue that your Washington correspondent has not only failed to live up to expectations of the Editor and Publisher, but he carries on in behalf of the destruction of the most basic component to good radio broadcasting; namely, the maintenance of the clear channel system and the granting of higher power thereto.

I am sure, Norm, that many years ago, you forgot far more about editorial concepts than I will ever know. This much is a portion of my limited knowledge and that is that objectivity in the publishing of a newspaper or magazine requires editorials to be on the editorial page(s). For the second time in sixty days, your Washington correspondent, with no guidance from the New York office, has permitted the clear channels to get the "treatment".

I note that your Washington "leg man" and your New York editorial staff have the temerity to state that the recent activity of the Clear Channel group in regard to legislation "turned out not to be a show of strength but of weakness". Carrying on his piece on this subject, your writer states that "only one of the bills bore the name of a member of either Commerce Committee".

Now, let us take a look at the facts, Norm. The record will show that clear channel legislation in behalf of retention of the present system and higher power thereto was introduced on the House side by Congressman Bennett of Michigan, Dingell of Michigan, and Flynt of Georgia and, later, Lauer of Tennessee. A quick look at the Congressional Directory will show you that Messrs. Bennett, Dingell, and Flynt all are members of the House Interstate and Foreign Commerce Committee.

Mr. Herman S. Chase  
August 15, 1941 -- 2

It is true that Congressman Lauer of Tennessee, who also introduced a piece of legislation in behalf of the clear channel system, is not a member of "Interstate", but he is very much involved in the subject in view of his coming from a state and a region of the nation that desperately needs not only its present clear channel establishment, but even better service to rural and small-town areas. In short, Congressman Lauer knows whereof he speaks.

Now, let us address ourselves to the Senate side. It is very presumptuous, in my opinion, for someone as ill-informed as your Washington correspondent to take a slap not only at the Senators and Representatives involved, but at the members of the Clear Channel Broadcasting Service with his statement about the relative lack of activity on the part of Commerce Committee members.

A check of radio service in Indiana and in Georgia will demonstrate that two of the states that are desperately in need of continuation of the clear channel system are these two important segments of the United States. Perhaps it never occurred to your Washington correspondent, and he might check this with Marshal Brown, once Master of the Indiana State Grange, now Master of the National Grange, that while this great farm leader's average in Columbus, Indiana, is only fifty miles from Terre Haute and sixty-five miles from Indianapolis, he can hear the stations of neither city after sundown, Columbus time, because of mutual interference set up on the several channels serving these two communities. Either he gets WMA, Louisville, WZR, Cincinnati, WMB, Nashville, WJR, Detroit, or the Chicago channel in various degrees of reception. It just could be that Marshal Brown knows a little bit more about the importance of clear channels to rural and small-town Indiana than does your Washington correspondent. The same applies to Mr. Taladge of Georgia who learned, among other things, that the establishment of a 1 kilowatt operation, full time, in the Pacific northwest, as far away as Portland, would set up interference to WMA, Atlanta, eighty miles from the transmitter building of that great clear channel station, which for years has served the south with distinction.

Concurring in and supporting Senators Caphart and Taladge was Senator Jack Hillier of Iowa. I think he, too, knows a little about the importance of clear channel service to the people in outlying areas.

Now, I am bitter about this situation, but I want you to realize that I am writing for a number of other people who are similarly identified with clear channel broadcasting. If you want to do an editorial against the clear channel concept, that is certainly your right as an editor and publisher. We say

Mr. Thomas R. Glass  
August 18, 1941 -- 3

disagree vehemently with what you have to say in that editorial column, but  
let's keep the news column confined to news as it happens.

Sincerely,



Ward L. Quast

via/rm

cc: John E. McMillin  
cc: Edwin V. Craig ✓  
Harold Hugh  
James Stewart  
Victor Sholin  
John DeWitt  
Jim Eason  
Don Calibraro  
Charlie Gabe  
Sam Horvath  
E. Russell Egan, Esq.

August 31, 1961

Mr. J. A. Chambers  
Motorola, Incorporated  
8201 East McDowell Road  
Scottsdale, Arizona

Dear Joe:

It seems like old times to get a letter from Joseph A. Chambers. I have heard great things of your military lab out there and I am most anxious to visit it.

We are still trying to save the clear channels and are now working with the Air Force and the FCC on a backstop system for SAC which would utilize the clears in a teletype network in which frequency shift keying is used. My reason for calling Mr. Moore was that he had published a very fine piece in your house magazine in which he described a system which I thought might be useful to us; we still think so. At the moment my plans are uncertain but I wouldn't be surprised if in the next few weeks I call to ask permission to visit you and talk further with Mr. Moore about his phase lock system.

In July we drove with our eight year old daughter out to Flagstaff where we spent ten pleasurable days working around the old Lowell Observatory and seeing the Arizona sites. Phoenix was not on our itinerary, otherwise I would have given you a buzz. We are all wild about the "brown and purple" country and look forward to another possible visit out there.

All good wishes.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

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P  
Y

File CCBS

LAW OFFICES OF  
**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**  
WORLD CENTER BUILDING - 1627 AND K STREETS, N. W.  
WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

August 22, 1961

TO CCBS GENERAL MANAGERS

We have received through a member station a letter written by Tedson J. Meyers, Administrative Assistant to Chairman Minow of the FCC, addressed to Congressman Weis outlining in some detail the Commission's thinking on the efforts of the Daytime Broadcaster's Association to obtain authority to operate from 6 a.m. to 6 p.m., and on the pending Clear Channel Case (Docket 6741). In view of the fact that we believe the letter expresses the official thinking of the Commission on these matters and because, in our opinion, the letter indicates prompt final action in Docket 6741, perhaps as set forth in the Commission's instructions of June 13, 1961 (copy of which we attached to our memo to you of the same date) a copy of the letter to Congressman Weis is inclosed.

Congressman Weis has also been advised (presumably by the House Interstate Commerce Committee) that no action is likely to be taken on the Bills proposing 6 a.m. to 6 p.m. operation, as well as the Bills preventing the FCC from breaking down Class I-A stations.

Reed T. Rollo

R. Russell Eagan

Encl.

FEDERAL COMMUNICATIONS COMMISSION

Washington 25, D. C.

Aug. 10, 1961

Honorable Jessica McCullough Weis  
House of Representatives  
Washington 25, D. C.

Dear Congressman Weis:

This refers to your letter of August 1, 1961, in which you request information about two matters relating to standard (AM) broadcasting. These are:

- (1) The petition of the Daytime Broadcasters Association seeking authority for daytime stations to operate from 6:00 AM to 6:00 PM;
- (2) The pending Clear Channel proceeding (Docket 6741) in which there is contemplated the authorization of an additional nighttime station to some of the Class I-A clear channels.

As to the first matter, there is presently no petition or proceeding pending before the Commission. The Daytime Broadcasters Association has in the past sought extended hours of operation for daytime stations, and in an inquiry proceeding conducted in 1959 the Commission considered its request that such stations be permitted to begin broadcasting at 6:00 AM when earlier than local sunrise, and operate until 6:00 PM when later than local sunset. After consideration, the Commission concluded that such extended operation would not be in the public interest and that rule making relating thereto should not be instituted. Enclosed is a copy of the Report issued in that proceeding.

The Daytime Broadcasters Association has since asked Congress to enact legislation to the same effect, and the House Interstate and Foreign Commerce Committee has held hearings on the subject both last month (July 18, 19 and 20) and in previous years. The Commission has consistently opposed such legislation, for the same reasons it denied the proposal in 1959. You may be interested in the comments we filed with the Committee in connection with the currently pending legislation, a copy of which is also enclosed.

The proponents of this proposal are the Association itself, which represents about 150 daytime stations, and some individual daytime stations. Statements in support were also filed by civic groups and individual citizens in various communities where a daytime station now operates. On the other hand, the proposal was opposed by a very large number of unlimited-time stations, and by certain farm groups. The arguments pro and con are detailed in the enclosed documents. Briefly, the chief argument advanced in support has been the additional service which would be afforded, during the additional hours involved, particularly in and around some 912 communities in the nation which have no unlimited-time AM station and some of which do not receive primary service nighttime from stations located elsewhere. The chief argument against the proposal -- which the Commission has found persuasive -- is the vast amount of interference which would result from such operation during hours before sunrise and after sunset. This interference would vastly outweigh the service gained, would have a vastly disruptive effect on the service of unlimited-time stations, and would limit the daytime stations themselves during these hours to very small service areas, so that the service benefits would be quite small.

With respect to the second matter, the appropriate use to be made of the clear channels, especially 24 or 25 I-A channels, has been the subject of an exhaustive and complex Commission rule making proceeding since 1945. On these I-A channels, with minor exceptions, only one station is authorized to operate in the continental United States during nighttime hours. These are the Class I-A stations to which you refer, which operate with 50 kilowatts of power. Enclosed are two documents relating to this proceeding -- the Third Notice of Further Proposed Rule Making issued in 1959, and the Public Notice issued in June 1961, announcing the Commission's instructions to its staff as to the Report and Order to be prepared. No final action has been taken in this matter, but it is expected that it will be resolved shortly.

The fact that this proceeding is still pending limits to some extent the possibility of discussing it in detail, but it is hoped that the following observations will be helpful. Originally the scope of the proceeding was broader, but in the later stages the essential question has become what is the best use to be made of 25 I-A channels (24 frequencies now so classified, plus 1030 kc, which, it is contemplated, would be reclassified as such a channel). The predominant consideration is how can they best be utilized to improve service to half the land area of the nation, with a population exceeding 20,000,000 persons, who do not now enjoy nighttime primary (groundwave) service and are dependent upon the less satisfactory, more intermittent, skywave service rendered by Class I-A and Class I-B stations. The conflict centers around whether this can best be done by assigning additional unlimited-time



stations on these channels -- sometimes referred to as "breakdown" of the channels -- or by retaining the nighttime use by only one station and raising the maximum power substantially, such as to 500 or 750 kilowatts. The first course of action, if taken as proposed in 1959 in the Third Notice for all of these channels, and as now tentatively decided upon for 13 of them, would result in the assignment of new unlimited-time stations so situated as to provide nighttime primary service to areas and populations now without it. The second alternative would permit no new assignments, but, by greatly increasing the permissible power of the Class I-A stations, would result in improvement of the service, particularly the skywave service, rendered by these stations.

In the main, comments supporting breakdown have come from licensees of existing stations, or potential applicants, who would make use of new unlimited-time assignments to be permitted under this approach. Some of these have supported the Third Notice proposal in toto or with slight modifications; others have advanced different proposals for breakdown, sometimes with more than one new unlimited-time station per channel. Breakdown is, in general, opposed by the licensees of the I-A stations, on the ground that it would result in interference to the skywave service which they render (the purpose of the present nighttime exclusivity on the channel being to permit the I-A station to be received, free from co-channel interference, wherever in the continental United States its signal can be heard). Certain farm groups have taken a similar position, emphasizing the value of skywave service to rural areas which sometimes have no other form of broadcasting service available. It is also argued that, for economic reasons, probably the new stations resulting from this approach will not be located so as to result in a first primary nighttime service to any large percentage of the population now lacking such service. In reply, proponents of breaking down the I-A channels argue that skywave service of Class I stations is not satisfactory, or at least not relied upon by listeners, beyond a certain distance, so there is no point in protecting it further.

The alternative of higher power for the I-A stations is supported by the licensees of about half of these stations, notably those who are members of a group called the Clear Channel Broadcasting Service (CCBS). On the other hand, some of the I-A licensees are not in favor of higher power because of doubts as to its economic feasibility (it has been estimated that the cost of a 750 kw installation would be at least \$1,500,000, and it is argued that if one I-A station goes up in power all of them would be forced to do so to remain competitive). Some farm groups likewise support this alternative. The arguments for this alternative emphasize the improvement in service which would result, including service in rural areas and provision of an

improved medium of communication in time of emergency. Opponents of higher power urge, in addition to the greater desirability of breakdown, certain economic and sociological factors. It is argued that such high power for a few stations would mean undue concentration of control of the media of communication and would be a serious economic blow to other stations from a competitive standpoint (the contention essentially is that a national advertiser would rely on these few powerful stations for coverage of all or most of the country, rather than buying time on many stations as at present).

The enclosed Public Notice represents a tentative decision as to 13 of these 25 channels, on each of which one new unlimited-time station would be assigned. Two of these assignments are in particular cities, made necessary by the terms of the recently ratified U.S.-Mexican Agreement which require two existing stations to find new frequencies. The other 11 new assignments would be in designated states, where they will provide a needed first nighttime primary service to substantial areas and populations. In all cases, the existing I-A stations would be protected from interference, under established engineering formulas, to a service contour which is generally about 700 miles from the I-A station. Service from these stations beyond that distance is highly variable and generally weak, and, moreover, falls in areas better served by other, closer stations. The Commission's tentative decision reflects the judgment that the unlimited-time stations on about half of the I-A clear channels would be able to render a needed and valuable service of high quality, at the justifiable expense of some limited interference to the I-A station at a great distance from that station.

On 12 (approximately half) of the Class I-A clear channels the Commission has decided for the present to leave the status quo, thus preserving opportunity for judicious decisions concerning these 12 after experiences gained with developments under the rule amendments affecting the other 13.

The foregoing discussion can give you only a cursory idea of the great complexities and many ramifications of this proceeding. It is hoped that the information about the Clear Channel and "6 to 6" proposals will be helpful to you. If you wish further information, it will be gladly supplied.

Sincerely yours,

/s/ Tedson J. Meyers  
Tedson J. Meyers  
Administrative Assistant  
to the Chairman

Enclosures

*Memo*

8/24

*From the desk of:*

Reed T. Rollo

*File*

For Mr. DeWitt:

[Here you are, suh!

- mhw]

August 24, 1961

Mr. Ben S. Waple  
Secretary  
Federal Communications Commission  
Washington 25, D. C.

Dear Mr. Waple:

WSM, Incorporated, licensee of radio station WSM, Nashville, Tennessee, is presently authorized to conduct tests using frequency shift modulation in connection with a teletype network in which other clear channel stations are involved. It is requested that WSM be given additional authority to conduct such tests within the experimental period using a frequency shift of plus or minus 100 cycles of its emitted carrier.

The purpose of this request is to allow WSM and its representatives to determine the maximum degree of frequency shift which can be tolerated in relation to interference to its normal broadcast service. It is anticipated that at some value of frequency shift intermodulation will take place in the rapid fading zone of the station and perhaps at other points. By conducting experiments, it is anticipated that we will determine a maximum allowable frequency shift without interference which data will later be used in furthering the tests which we are now conducting in connection with the Commission's Engineering Department and the United States Air Force.

Sincerely yours,

WSM, Incorporated

By \_\_\_\_\_  
John H. DeWitt, Jr.,  
President

JHD:w/w

August 24, 1961

Mr. Ben S. Waple  
Secretary  
Federal Communications Commission  
Washington 25, D. C.

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Sincerely yours,

WSM, Incorporated

By \_\_\_\_\_  
John H. DeWitt, Jr.,  
President

JHDeW/w

August 24, 1961

**Mr. Ben S. Waple**  
**Secretary**  
**Federal Communications Commission**  
**Washington 25, D. C.**

**Dear Mr. Waple:**

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**Sincerely yours,**

**WSM, Incorporated**

**By** \_\_\_\_\_  
**John H. DeWitt, Jr.,**  
**President**

**JHDeW/w**

LAW OFFICES OF

**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**

WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

LOUIS G. CALDWELL  
(1891-1981)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
FREDERICK M. ROWE  
ALOYSIUS B. MESCABE

JOSEPH DUCOEUR  
PAYMOND G. LARROCA  
JOHN P. MANWELL

**August 25, 1961**

**Mr. Edwin W. Craig  
The National Life and Accident Insurance Co.  
National Building  
Nashville 3, Tennessee**

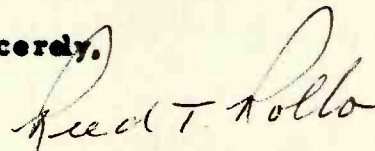
**Dear Mr. Craig:**

As you know, the status of the clear channels has reached a critical stage. There is a possibility that a final decision will be announced shortly by the Commission duplicating thirteen of the existing Class I-A frequencies. If this happens, we shall, of course, do our best to have it reconsidered or, if necessary, reversed by the courts. If we should prove unsuccessful, it would, in my opinion, just be the first step to eventual duplication of all of the remaining clear channels.

If the Commission should not issue a decision in the immediate future then there would be a good possibility of both the Senate and House Interstate and Foreign Commerce Committees holding hearings on the pending bills to prohibit duplication of clear channels. In such an event, substantial preparation would be required as well as substantial lobbying on the Hill during the next few months.

For the foregoing reasons, I urgently suggest that you give serious consideration to calling a meeting of the members of CCBS in the immediate future in order that the entire situation might be thoroughly reviewed.

Sincerely,



Reed T. Rollo

cc: Mr. John H. DeWitt, Jr.  
Mr. Ward Quaal  
RTR/hk

G. F. LEYDORF, P. E.  
CONSULTING ENGINEER

211 Savings & Loan Building  
Birmingham, Michigan

August 22, 1961

Mr. George A. Reynolds  
Vice President  
WSM, Inc.  
Nashville, Tennessee

Dear George:

Enclosed is our invoice and record  
of time and expense for the month of July.  
Also enclosed is my acknowledgment of  
Blatterman's recent letter.

Yours truly,

  
G. F. Leydorf

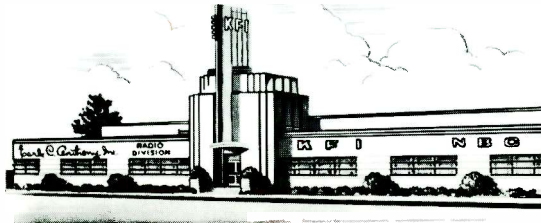
GFL:ll  
3 encls.

\$429.44 -

statement forwarded to Harold Hough - 8-29-61



KFI  
640 KC  
50,000 WATTS  
NBC AFFILIATE



*Mr Reynolds*

141 N. VERMONT AVE.  
LOS ANGELES 54  
CALIFORNIA  
DUNKIRK 2-2121

*Carle C. Anthony, Inc.*

SINCE 1904  
DISTRIBUTOR OF MOTOR CARS

August 3, 1961

Mr. J. H. DeWitt, Jr.  
Radio Station WSM  
Nashville, Tennessee

Dear Jack,

Sorry you couldn't get to Los Angeles on your vacation. Here is a short progress report on F.S.K. I talked with John Campbell, Fritz Leydorf and Jim Rockwell at some length about our problems in this area when you were away.

We first made a rather general survey with a Zenith Trans Oceanic and a Hammarlund H.Q. 180. Catalina Island, the Don Wallace location at Palos Verdes, Newport Beach and the transmitter site were all tried with the same result - good nighttime reception of KSL, fair from KOB, and absolutely nothing in the daytime.

July 5th we went to Big Bear Lake, elevation 6,750 feet and about 100 miles from KFI transmitter, with the same result on the first day and night except the signal at night was much better than anywhere else. Second day at Big Bear we laid 400 feet of #16 bell wire on the bottom of a dry portion of Big Bear Lake and for the first time received a daytime signal from KSL which could be identified. Signal was subject to moderate ten or fifteen minute fading and longer and deeper fading at irregular intervals - about a half to one hour, several times in the later afternoon. Signal was lost on bottom of deep fades, for periods of one or two minutes. The static and man made noise at Big Bear Lake was considerable. Lifting the antenna from the ground to four feet off ground reduced noise and signal. Running antenna along line of fence-posts one foot from the ground reduced the static and man made noise and yielded just as good a signal as when insulated wire was laid on the ground.

F.S.K. Progress report - continued

We were able to identify day time KSL and understand all program material except on fades. KOB, Albuquerque was not identified although carrier noise was barely discernable on that frequency. KSL at night is much stronger than KOA or KOB.

On July 12th daytime a long wire on the ground was tried at the KFI transmitter with no success. Night time reception of KSL at the transmitter with a 21 foot whip antenna on the roof and Hammarlund H.Q. 180 receiver is good; normal for this area. Trouble with daytime on long antenna on the ground is weak signal from KSL and external cross modulation from other stations, possibly due to overloading first stage Hammarlund by KFI. We will try again with more sophisticated antenna, later.

On July 19th we made a successful try at Lake Elsinore about 50 miles from KFI transmitter, elevation 1,220 feet, 900 foot antenna laid on dry bed of lake. This is an extremely quiet location - signal to noise is better than Big Bear, fading is less, but still pronounced - average signal strength is the best yet. KSL understandable except on deep fades, at intervals of about half to three-quarters of an hour. KOB not tried. Signal strength KSL (daytime) is considerably less than 1 microvolt per meter, unread on Nems-Clarke 120D field strength meter but about S-2 on Hammarlund meter at peak, (everything wide open).

On August 4th we will try a daytime setup approximately half mile from KFI transmitter.

Problem at transmitter is further complicated by the fact that antenna pointing to KSL cuts diagonally through our 30 acre plot and runs right through the base of our tower. Any permanent setup would have to be located on adjacent property which for one reason or another would be extremely difficult to obtain. Also, side channel from KRKD is worse there than at Big Bear or Elsinore.

Cordially,



H. L. Blatterman,  
Chief Engineer

HLB:pl

cc: ~~J. H. DeWitt~~  
Jim Rockwell



FROM THE DESK OF

Ward L. Quaal

Mr De Witt

✓

to Mr Eagan



100,000 WATTS

DULUTH 2, MINN.

August 2, 1961

The Honorable Odin Langan  
United States House of Representatives  
Washington, D. C.

Dear Representative Langan:

I have not as yet had the pleasure of meeting you, although the fact that we both have the same surname was a source of considerable comment around the station when you were originally elected to the House.

Representative Langan, Congressman Bennett, who serves a portion of the area which it is also the pleasure of KDAL to serve, introduced a bill in the House July 19th that, in my opinion, has considerable merit. In this particular bill, KDAL has nothing to gain one way or the other because we are neither jeopardized nor helped by the bill. It was introduced to prevent the Federal Communications Commission from breaking down the clear-channel stations as has been proposed. In this particular case, I am able to give you my unbiased opinion as I have to my own Congressman, John A. Blatnik, this afternoon.

I fear that if we continue the unrestricted licensing of stations and the subsequent degradation of service, the great broadcast medium will eventually be choked to death. The proposed move on the part of the Commission to duplicate thirteen of the twenty-four stations that now have clear channels, will certainly mean a loss of service to many people in the hinterlands of the United States due to a loss of coverage on the part of these stations. It would seem that in the interest of keeping radio a powerful medium, and insuring the people of the United States of the service they can get from the clear-channel stations, particularly at night, that this valuable means of entertaining and protecting the people at times when they are not able to listen to their local station is imperative. I reiterate, KDAL has nothing to gain or to lose from Congressman Bennett's proposal because we are not a clear channel. However, in the interest of the people it is our pleasure to serve in the daytime, which we cannot now serve at night due to the interference problem, I feel that the existing clear channels should be allowed to continue broadcasting as they have for the protection and the entertainment of the people in the hinterlands.

Cordially,

Odin S. Ramsland  
General Manager

OSR:BB



100,000 WATTS

DULUTH 2, MINN.

August 2, 1961

**The Honorable John A. Blatnik  
House Office Building  
Washington, D. C.**

**Dear John:**

**This afternoon I called your office and visited a short time with Ludd attempting, of all things, to be of service to my friend, Robert Rich, Manager of WDSM. There were rumors on the street today that Jerry had some sort of heart attack, but in talking with Ludd this afternoon, we decided that it was nothing more than over exhaustion, and that no publicity would be best. Jerry works too hard; it's perfectly obvious that one of these days he is going to have to slow up.**

**John, in the course of my conversation with Ludd this afternoon, I asked him about the bill that Congressman Bennett had introduced on July 19th concerning the clear channel question. Ludd was not familiar with the bill and solicited my comments which I am very happy to give.**

**You and I have often discussed the deterioration of service that has been caused by the promiscuous licensing of stations by the Commission. In fact, as you probably know, we will have six radio stations at the Head of the Lakes by this time next year. While I sincerely hope that the additional stations will not interfere seriously with KDAL, the truth is that we will be less effective with six stations in the market than we would be if there were only three.**

**The question of immediate importance however, John, does not involve KDAL, but it does involve the industry, and for that reason I am very happy to give you my thoughts. The Commission has proposed the breaking down of thirteen of the present twenty-four clear channel stations by duplicating their service. This will partially eliminate the nighttime service of these stations, and make it impossible for some areas to get nighttime service. You are familiar with conditions as they exist in Chisholm; wherein frequently at night you cannot get any of the Duluth stations, and must depend upon some of the now clear-channel stations for service. If the service of these stations were impeded, we could well have a situation in many parts of this Country where there would be no service whatsoever. Congressman Bennett has introduced a bill which would prohibit the FCC from further degrading the service given by the radio stations, and in my opinion, gave some very cogent reasons for his thinking in his talk on July 19th. It seems, John, that we**

Honorable John A. Slatnik

2

August 2, 1961

must be eternally vigilant, or the great good that has come to all of America through radio broadcasting will be reduced, if not completely eliminated.

Cordially,

Edin S. Ramsland  
General Manager

OSR:BB

cc: Mr. Ward L. Quaal

Duluth Temperature: High Yesterday, 84

Low Last Night, 67

Time and Expense Record - Month of June, 1961

G. F. Leydorf

1	Birmingham Office. Work on list of topics for Engineering Conference. Ordered transportation. Ordered motel reservation through AL 45656.	4 hrs.
	Telephone \$1.38	
2	Birmingham Office. List of topics for Engineering Conference. Discussed list of topics CY 78741 JHD.	8 hrs.
	Telephone \$8.97	
	R.T. ticket Nashville 80.63	
4	Travel time - Birmingham to Nashville	6 hrs.
5	Engineering Conference and Inspection of Restore 5 Equipment at WSM Transmitter	8 hrs.
	Breakfast \$1.59	
6	Breakfast Conference - CCBS Chief Engineers	2 hrs.
	Travel time - Nashville to Birmingham	6 hrs.
	Breakfast \$1.49	
	Downtowner Motel 17.67	
	Parking - Detroit Metropolitan Airp. 2.50	
8	Travel to Pittsburgh (no charges)	
	Congress Motel, N. Lima, Ohio \$10.30	
9	Restore 5 Committee Meeting - Pittsburgh Hilton	8 hrs.
10	Study Antenna and Noise Data	2 hrs.
11	Study Antenna and Noise Data	8 hrs.
12	Study Collins CEP - W775	1½ hrs.
13	CCBS Office, Washington, D.C. Study Noise and Modulation Techniques - FCC Press Release	8 hrs.
20	CCBS Office. Letters to G. Reynolds, E. Thelemann, C. G. Haenle. Telephone to G. Reynolds.	4 hrs.
27	Birmingham Office. Call AL 45656. Report travel plans. Call Blatterman re results to date. (nil)	4 hrs.
	Ticket - Detroit-Nashville \$42.08	

Time and Expense Record - Month of June, 1961 (continued)

G. F. Leydorf

28 Travel - Birmingham to Nashville. Call to H. L. Blatterman from Louisville Airport. 6 hrs.

Conference GAR, JSC at WSM Offices, including call from Blatterman re favorable results on Big Bear tests. 4 hrs.

29 Conference GAR, JSC re Doc. 6741 issues. Telephone calls to RJR, FNL at WLW. Call from Holbrook at WSB. Visit WSM Transmitter. Study lack of null on Beverage Antenna. Lines o.k. Trouble probably due to transformer leakage. 8 hrs.

Travel time - Nashville to Birmingham 6 hrs.

Breakfast	\$1.23
Ticket to Detroit	38.61
Downtowner Motel	7.88
Parking - Detroit Met. Airp.	2.00

Telephone call 1 May - AL 45656 from Birmingham	\$2.37
---	--------



July 26, 1961

C  
O  
P  
Y

Honorable Morgan Moulder  
Chairman, Sub-Committee of Communications and Power  
House Office Building  
Washington, D. C.

Dear Mr. Moulder:

In reading a release from the FCC covering the revision of the FM broadcast rules it occurred to me that much of the philosophy put forth by the Commission in its proposals has a direct bearing on the problems of the daytime broadcasters. I am enclosing a copy of this release of the Commission's and wish to request that it be included as an exhibit in the current hearing which you are conducting on the Bills which would authorize the operation of daytime stations from 6:00 AM to 6:00 PM.

On page 4 of this document under paragraph 9, there is some language which bears directly on the problem at hand. Also you will note on page 3, the Commission says that the current method of assigning both FM and AM stations has in fact become a problem and needs re-assessment.

Permit me to take this opportunity to thank you for your courtesy in hearing my testimony for the Clear Channel group; you and your Committee were most considerate.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

Enclosure

MEMORANDUM

July 28, 1961

TO: MR. EDWIN W. CRAIG  
FROM: JOHN H. DEMITT, JR.

Russ Fagan called today to say that the Commission met yesterday and took no action on the Clear Channel case. He is certain that there will be no further action until possibly September for the Commission will be on vacation during the entire month of August.

---

JHD:ab

cc: Mr. G.A. Reynolds

C  
O  
P  
Y

CLEAR CHANNEL BROADCASTING SERVICE  
SHOREHAM BUILDING  
WASHINGTON 5, D. C.

XXXXXXXXXXXXXXXXXXXX

June 20, 1961

C  
O  
P  
Y

Mr. Ernest C. Thelemann  
FCC Field Supervisor  
CONELRAD  
Hqs. 33rd Air Division (SAGE)  
P. O. Box 308  
Richards-Gebaur Air Force Base  
Kansas City, Missouri

Dear Mr. Thelemann:

The copy of Collins Engineering Proposal CEP-W775,  
which you loaned us, is being forwarded to Jack Dewitt and  
staff today. They will return it to you.

Thanks very much.

Yours truly,



George F. Leydorf

cc: John H. Dewitt, WSM

JEFFERSON STANDARD



BROADCASTING COMPANY

THOMAS E. HOWARD VICE PRESIDENT  
MANAGING DIRECTOR  
ENGINEERING AND GENERAL SERVICES

ONE JULIAN PRICE PLACE  
CHARLOTTE 8 NORTH CAROLINA

July 28, 1961

Mr. John H. DeWitt, Jr., President  
WSM, Inc.  
National Building  
Nashville, Tennessee

Dear Jack:

I am enclosing a copy of my letter to Congressman Moulder. Charlie Crutchfield has sent copies of this letter to the following Senators and Representatives.

Senators

Sam J. Ervin, Jr., N. C.  
Olin D. Johnston, S. C.  
B. Everett Jordan, N. C.  
Strom Thurmond, S. C.

Representatives

Hugh Q. Alexander, N. C.  
Robert T. Ashmore, S. C.  
Herbert C. Bonner, N. C.  
Harold D. Cooley, N. C.  
W. J. Bryan Dorn, S. C.  
L. H. Fountain, N. C.  
Robert W. Hemphill, S. C.  
David N. Henderson, N. C.  
Charles Raper Jonas, N. C.  
A. Paul Kitchin, N. C.  
Horace R. Kornegay, N. C.  
Alton Lennon, N. C.  
John L. McMillan, S. C.  
John J. Riley, S. C.  
L. Mendel Rivers, S. C.  
Ralph J. Scott, N. C.  
Roy A. Taylor, N. C.  
Basil Whitener, N. C.

A copy of Charlie's letter to the above listed people is also enclosed.

I hope to see you at MST on August 3rd.

Kindest personal regards.

Sincerely,

Enclosures

JEFFERSON STANDARD



BROADCASTING COMPANY

ONE JULIAN PRICE PLACE  
CHARLOTTE 8, NORTH CAROLINA

July 27, 1961

The Honorable John L. McMillan  
House of Representatives  
Washington, D. C.

My dear Mr. McMillan:

The enclosed copy of a letter which Thomas E. Howard, vice president of our Company in charge of engineering, has just sent to Congressman Moulder concerns me very much.

I do hope you will read it carefully and that you will support the position of Mr. Howard and the Federal Communications Commission in every way possible.

As a layman, I personally don't know all of the technical aspects of this proposed legislation; but as a listener, I know that even without this new interference problem, radio reception - - particularly in rural areas - - leaves much to be desired. Or, to put it another way, I think it behooves all of us to work for improvement of service rather than deterioration of it.

Sincerely,

/s/ Charles H. Crutchfield

Enclosure

JEFFERSON STANDARD



BROADCASTING COMPANY

THOMAS E. HOWARD VICE PRESIDENT  
MANAGING DIRECTOR  
ENGINEERING AND GENERAL SERVICES

ONE JULIAN PRICE PLACE  
CHARLOTTE 8 NORTH CAROLINA

July 26, 1961

The Honorable Morgan Moulder, Chairman  
Subcommittee on Communications and Power  
House Interstate and Foreign Commerce Committee  
Washington 25, D. C.

Re: H.R. 2745, et al

Dear Congressman Moulder:

I have followed with interest the news reports of the hearings held before your Subcommittee on July 18, 19 and 20 with respect to the above-noted legislation which would authorize daytime only stations to operate from 6:00 a.m. to 6:00 p.m., regardless of the times of local sunset and local sunrise.

WBT opposes enactment of the proposed legislation as the extended hours of operation for daytime only stations would result in vast numbers of people living in underserved areas - especially rural areas - being deprived of radio service. By and large, the people who would gain service are substantially fewer in number and live in areas having a multiplicity of other radio services.

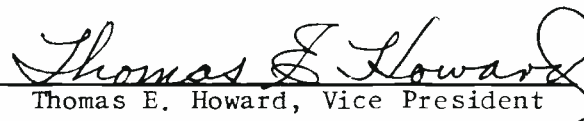
The Federal Communications Commission has exhaustlessly studied this question and has expressly refused to authorize daytime only stations to operate from 6:00 a.m. to 6:00 p.m. throughout the year because of the fact that many more people would lose service than would gain service (see the Commission's Decisions in Dockets 12274 and 12729 which appear at 17 Pike and Fisher R R 1669 and 18 Pike and Fisher R R 1689).

It is respectfully requested that this letter be made a part of the hearing record before your Subcommittee.

Respectfully submitted,

JEFFERSON STANDARD BROADCASTING COMPANY

By

  
Thomas E. Howard, Vice President

July 28, 1961  
Dic. 7/23/61

Ishpeming, Michigan

R. Russell Eagan, Esq.  
Kirkland, Ellis, Hodson,  
Chaffetz & Masters  
16th & K Streets, N. W.  
Washington 6, D. C.

Dear Russ:

This is to advise that I have written to the following members of the Senate and House, urging their support of the Caphart-Talmadge-Dingell-Bennett-Flynt proposed legislation on clear channels:

Anderson, Clinton P.  
Arends, Leslie C.  
Church, Marguerite Stitt  
Derwinski, Edward J.  
Douglas, Paul H.  
Halleck, Charles A.  
Hart, Philip A.  
Harbo, Vance  
Hickenlooper, Bourke B.  
Hoffman, Elmer J.  
Humphrey, Hubert H.  
Knox, Victor A.  
Madden, Ray J.  
McCarthy, Eugene J.  
McNamara, Pat  
Meador, George  
Miller, Jack R.  
Proxmire, William  
Pucinski, Roman C.  
Rostenkowski, Daniel D.  
Schadeberg, Henry C.  
Schwengel, Fred  
Wiley, Alexander

**R. Russell Egan, Esq.**  
**July 28, 1961 -- 2**

As you know, I am still on "vacation", and upon my return to the office August 1, I will write additional letters and will be sending more telegrams from along the road. Meanwhile, Charlie Gates, Orion Samuelson, and Dan Pecore are handling all the farm contacts for me.

Best wishes.

Sincerely,



**Ward L. Quaal**  
**Executive Vice President**  
**General Manager**  
**WGN, Inc.**

WLG/rms

cc: **Edwin W. Craig**  
**Harold Hough**  
**James B. Shouse**  
**Victor A. Sholis**  
**John H. DeWitt, Jr.** ✓



Mr. Jack DeWitt

5th Floor

---

LAW OFFICES OF  
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS  
WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.  
WASHINGTON 6, D. C.  
TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

July 21, 1961

MEMORANDUM TO CCBS GENERAL MANAGERS, CHIEF ENGINEERS  
AND FARM DIRECTORS

"6 To 6" Hearings

The last witness was heard by the House Subcommittee on Communications and Power yesterday but Chairman Moulder stated he would keep the record open for one week to receive communications.

We again urge that each station write a letter in opposition to the Bills to Chairman Moulder with the request that the letter be made a part of the hearing record. Opposition letters should also be sent by local farm organizations and by regional stations in your respective areas. In addition, letters should be sent to the Senators and Congressmen from your area. See our Memo of July 12 for the numbers of the Bills and the names of the Congressmen on the Subcommittee.

During the three days of hearings, only three witnesses were heard. Mr. James Barr, Assistant Chief of the Broadcast Bureau, presented a prepared opposition statement on behalf of the Commission on Tuesday. Jack DeWitt presented his opposition testimony on behalf of CCBS Wednesday. Yesterday, the sole witness was Mr. J. R. Livesay of WLBH, Mattoon, Illinois, who styled himself as Chairman of the Board of the Daytime Broadcasters Association. He did not have a prepared statement but repeated orally the assertions he made last year in support of the proposed legislation. Representatives Moss and Younger questioned him in such a manner as to clearly reflect their opposition to the Bills on the basis that the "6 to 6" proposal has been thoroughly studied and rejected by the Commission.

It appears very unlikely that the Bills will be reported out of the Committee. However, it seems certain that the daytime stations will succeed in having many letters sent to the Committee urging favorable consideration of the Bill. For this reason and because a few Congressmen on the Subcommittee seemed to be in favor of the 6 to 6 proposal, it is important that opposition letters be sent to Congressman Moulder for inclusion in the record during the first part of next week. Please send us copies of the opposition letters.

Reed T. Rollo

R. Russell Eagan

LOUIS G. CALDWELL  
(1891-1951)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
HERBERT J. MILLER, JR.  
FREDERICK M. ROWE  
ALOYSIUS B. MISCABE  
—  
JOSEPH DUJOCOUR  
RAYMOND G. LARROCA  
HOWARD P. WILLENS

LAW OFFICES OF  
**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**  
WORLD CENTER BUILDING - 16<sup>TH</sup> AND K STREETS, N. W.  
**WASHINGTON 6, D. C.**

TELEPHONE STERLING 3-3200

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

July 21, 1961

**TO CCBS GENERAL MANAGERS, CHIEF ENGINEERS  
AND FARM DIRECTORS**

Clear Channel Legislation

Enclosed for your information are copies of the following:

1. H. R. 8228, introduced July 19 by Congressman Bennett (Rep., Mich.). This Bill is identical to H. R. 8210 introduced July 18 by Congressman Dingell (Dem., Mich.).
2. The remarks Congressman Bennett made on the Floor of the House on July 19 in connection with his introduction of H. R. 8228 (1007 Cong. Rec. 11986-7).
3. S. 2290 introduced on July 20 by Senator Capehart (Rep., Ind.) and co-sponsored by Senator Talmadge (Dem., Ga.). This Bill is identical to H. R. 8211 introduced July 18 by Congressman Flynt (Dem., Ga.).
4. The remarks Senator Capehart made on the Floor of the Senate on July 20 in connection with his introduction of S. 2290 (107 Cong. Rec. 12031-32).
5. The remarks of Senator Keating (Rep., N. Y.) in support of S. 2290 (107 Cong. Rec. 12032).
6. The remarks of Senator Miller (Rep., Iowa) in support of S. 2290 (107 Cong. Rec. 12032-33).
7. H. R. 8274, introduced July 20 by Congressman Loser (Dem., Tenn.). This Bill is identical to H. R. 8211.

It is imperative that each station do everything possible to insure favorable action by the Congress with respect to the pending Clear Channel legislation. In this connection, it is expected that the Executive Committee of CCBS will meet in the near future to plan coordinated action. In the meantime, please keep us advised of any action taken and send us copies of all communications.

Reed T. Rollo

R. Russell Eagan

87th CONGRESS  
1st Session

H. R. 8228

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IN THE HOUSE OF REPRESENTATIVES  
July 19, 1961

Mr. Bennett of Michigan introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

---

A BILL

To amend the Communications Act of 1934, as amended.

1       Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,  
3 That subsection (c) of section 303 of the Communications  
4 Act of 1934, as amended, is amended by inserting before  
5 the semicolon at the end thereof, a colon and the following:  
6 "Provided, That except to the extent authorized as of July  
7 1, 1961, no more than one standard broadcast station shall  
8 be granted a license to operate before local sunrise or after  
9 local sunset on each of the following twenty-five class I-A  
10 clear channel frequencies: 640, 650, 660, 670, 700, 720,  
11 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020,

1 1030, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kilo-  
2 cycles: And provided further, That each of the class I-A  
3 clear channel stations operating on the above-noted twenty-  
4 five frequencies shall be authorized to operate full time with  
5 power in excess of fifty kilowatts upon a showing by the  
6 station concerned that the power requested will improve  
7 significantly the nighttime skywave service provided by  
8 the station concerned to the rural and smalltown areas of  
9 the continental United States which do not receive a satis-  
10 factory nighttime groundwave signal from any United  
11 States standard broadcast station. "

REMARKS OF CONGRESSMAN BENNETT (REP. MICH.) IN CONNECTION

WITH INTRODUCTION OF H.R. 8228 ON JULY 19, 1961

(107 CONGRESSIONAL RECORD 11986-87)

Mr. BENNETT of Michigan. Mr. Chairman, I have today introduced a bill to require the Federal Communications Commission to take effective steps at once to improve a deplorable condition which has existed since the birth of broadcasting in 1920.

Since most attention in the field of broadcasting seems to be focused these days on television, we tend to forget the fact that millions of Americans still depend on standard broadcast stations for entertainment and information.

It is appalling to realize the undisputed fact that almost 60 percent of the land area of the continental United States, in which over 25 million rural and small town Americans live, do not receive today even one acceptable nighttime groundwave signal although we have about 4,000 full time broadcast stations. Equally appalling is the fact that additional millions of Americans have only a very limited choice of acceptable nighttime groundwave signals.

The many millions of residents of the vast radio "desert" must depend on skywave signals of Class I stations for either their only nighttime radio service or for any choice of nighttime radio service. Because of the present power limitation of 50 kilowatts imposed by the rules of the Commission, the skywave signals received by these woefully underserved Americans are not of sufficient strength to provide a reliable service.

This situation is not a newly discovered one. It has been recognized since the infancy of radio. The Federal Radio Commission, which was created in 1928 to bring technical order out of the then existing chaos, promulgated an allocation plan in 1928 which set aside 40 clear channel frequencies, on each of which only 1 station was authorized to operate at night, in order to provide a means of rendering service to rural and smalltown America. It was soon acknowledged that areas remote from large cities were receiving inadequate service, in terms of signal strength, and hearings were held before the successor Federal Communications Commission in 1936 and 1938 for the purpose of determining what could be done to improve the admittedly inadequate broadcast service rendered to rural areas. The evidence adduced at these hearings showed conclusively that from an engineering viewpoint service could be improved where needed only by first, keeping a maximum number of frequencies "clear" or free of nighttime use by more than one station and second, authorizing higher power for all clear channel stations. In spite of this, the Commission did nothing between 1938 and 1945 to improve service. Instead, service was further degraded by reducing the number of clear channel frequencies from 40 to the present 25. Actually only 24 frequencies are "clear" and free of nighttime duplication within the continental limits of the United States and one of these is duplicated in Alaska. The Commission also continued in effect its rule limiting the power of clear channel stations to 50 kilowatts, even though higher power, which was authorized by the act and by the applicable treaties, was the only means of improving service in underserved areas.

In 1945, the Commission commenced, on its own motion, a third "Clear Channel Hearing" - docket No. 6741 - designed to find ways of improving service to the millions of rural and smalltown Americans living in admittedly underserved areas. Again the evidence showed conclusively that service could be improved to the rural areas only by first, keeping all class I-A clear channel frequencies free of nighttime duplication and second, authorizing power in excess of 50 kilowatts for class I-A stations.

Since the evidence in the latest clear channel proceeding was presented in 1946 and 1947, the membership of the Commission has changed to the extent that only one member of the present Commission was a Commissioner when the evidence was received. Recently, the Commission instructed its staff to prepare a report and order which would terminate the proceeding by maintaining the present power limitations of 50 kilowatts and by assigning additional full-time stations to all but 12 of the 25 class I-A clear channel frequencies. Since 2 of these 12 already have additional full-time stations in New Mexico and Alaska on their respective frequencies, the Commission's solution would leave but 10 channels which would be "clear" or free of nighttime duplication.

The action taken by the majority of the Commission would worsen rather than improve the existing situation. Duplication or further breakdown of the too few remaining class I-A clear channel frequencies will lead to more service being afforded to cities which are already well served and to less service to the rural and remote areas which are now underserved. Also, the proposed duplication will first, create an impossible roadblock to the only possible means of improving service in areas where it is needed, the use of higher power by class I-A stations, and second, surely lead to further duplication and a further degradation of service to rural areas.

In view of these facts, my bill will amend the act to first, prohibit further duplication or breakdown of class I-A clear channel frequencies beyond that authorized as of July 1, 1961, and second, require the Commission to improve service to the present radio "desert" by authorizing class I-A clear channel stations to operate with higher power.

My primary concern is the best interests of the millions of rural and smalltown Americans who for years have suffered from a lack of adequate radio service at night. I am convinced that these people, whose needs for radio programs clearly exceed the needs of those living in or near cities large enough to support radio stations, can receive adequate radio service only through the preservation of all existing class I-A clear channel frequencies and the authorization of higher power for all class I-A stations. I feel as strongly that class I-B frequencies should not be broken down to any greater extent than now exists. I only wish it were feasible to convert some or all of these I-B frequencies back to I-A frequencies, especially in the Far West.

I am equally convinced that national defense considerations dictate that no further duplication of class I-A or I-B clear channel frequencies be permitted and that higher power be authorized for all class I-A stations. I intend to ask that the proper military authorities testify at the forthcoming hearings to be held on the bill as to the vital defense needs for preserving and strengthening the precious natural resources which the class I frequencies constitute.

It is also of extreme importance from an international viewpoint that we not fritter away our too few remaining radio natural resources. Our neighbors could not be stopped from using our class I frequencies in their countries should we choose to desecrate their use in our own country. We should take a lesson from our neighbor, Mexico, which has kept all of its clear channel frequencies free of nighttime duplication and has authorized power greatly in excess of 50 kilowatts for each of its class I-A stations. This was the only way Mexico could serve its rural population. It is equally true of us.

For all of the reasons given above, I earnestly urge that my bill be given early consideration and that it be passed promptly by the House.

(Mr. BENNETT of Michigan asked and was given permission to revise and extend his remarks.)

- - - -



87TH CONGRESS  
1st Session

S. 2290

IN THE SENATE OF THE UNITED STATES

July 20, 1961

Mr. CAPEHART (for himself and Mr. TALMADGE) introduced the following bill; which was read twice and referred to the Committee on Commerce

---

A BILL

To amend the Communications Act of 1934, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That subsection (c) of section 303 of the Communications Act of 1934, as amended, is amended by inserting before the semicolon at the end thereof a colon and the following:

"Provided, That except to the extent authorized as of July 1, 1961, no more than one standard broadcast station shall be granted a license to operate before local sunrise or after local sunset on each of the following twenty-five class I-A clear-channel frequencies: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1030, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kilocycles".

REMARKS OF SENATOR CAPEHART (REP. IND.) IN  
CONNECTION WITH INTRODUCTION OF S. 2290 ON  
JULY 20, 1961 (107 CONGRESSIONAL RECORD 12031-2)

Mr. CAPEHART. Mr. President, on behalf of myself, and the Senator from Georgia [Mr. TALMADGE], I introduce, for appropriate reference, a bill to amend the Communications Act of 1934, as amended. I ask unanimous consent to have printed in the Record a statement prepared by me relating to the bill.

The VICE PRESIDENT. The bill will be received and appropriated referred; and, without objection, the statement will be printed in the Record.

The bill (S. 2290) to amend the Communications Act of 1934, as amended, introduced by Mr. CAPEHART (for himself and Mr. TALMADGE), was received, read twice by its title, and referred to the Committee on Commerce.

The statement presented by Mr. CAPEHART is as follows:

Statement By Senator CAPEHART

I have today introduced a bill to require the Federal Communications Commission to take effective steps at once to improve a deplorable condition which has existed since the birth of broadcasting in 1920.

Since most attention in the field of broadcasting seems to be focused these days on television, we tend to forget the fact that millions of Americans still depend on standard broadcast stations for entertainment and information.

It is appalling to realize the undisputed fact that almost 60 percent of the land area of the continental United States, in which over 25 million rural and smalltown Americans live, do not receive today even one acceptable nighttime groundwave signal although we have about 2,000 full-time broadcast stations. Equally appalling is the fact that additional millions of Americans have only a very limited choice of acceptable nighttime groundwave signals.

The many millions of residents of the vast radio "desert" must depend on skywave signals of class I stations for either their only nighttime radio service or for any choice of nighttime radio service. Because of the present power limitation of 50 kilowatts, imposed by the rules of the Commission, the skywave signals received by these woefully underserved Americans are not of sufficient strength to provide a reliable service.

This situation is not a newly discovered one. It has been recognized since the infancy of radio. The Federal Radio Commission, which was created in 1928 to bring technical order out of the then existing chaos, promulgated an allocation plan in 1928 which set aside 40 clear-channel frequencies, on each of which only 1 station was authorized to operate at night, in order to provide a means of rendering service to rural and smalltown America. It was soon acknowledged that areas remote from large cities were receiving inadequate service, in terms of signal strength, and hearings were held before the successor Federal Communications Commission in 1936 and 1938 for the purpose of determining what could be done to improve the admittedly inadequate broadcast service rendered to rural areas. The evidence adduced at these hearings showed conclusively that from an engineering viewpoint service could be improved where needed only by (1) keeping a maximum number of frequencies clear or free of nighttime use by more than one station and (2) authorizing higher power for all clear-channel stations. In spite of this, the Commission did nothing between 1938 and 1945 to improve service. Instead, service was further degraded by reducing the number of clear channel frequencies from 40 to the present 25.<sup>1/</sup> The Commission also continued in effect its rule limiting the power of clear-channel stations to 50 kilowatts, even though higher power, which was authorized by the act and by the applicable treaties, was the only means of improving service in underserved areas.

In 1945, the Commission commenced, on its own motion, a third clear-channel hearing (docket No. 6751) designed to find ways of improving service to the millions of rural and smalltown Americans living in admittedly underserved areas. Again the evidence showed conclusively that service could be improved to the rural areas only by (1) keeping all class I-A clear-channel frequencies free of nighttime duplication and (2) authorizing power in excess of 50 kilowatts for class I-A stations.

Since the evidence in the latest clear-channel proceeding was presented in 1946 and 1947, the membership of the Commission has changed to the extent that only one member of the present Commission was a commissioner when the evidence was received. Recently, the Commission instructed its staff to prepare a report and order which would terminate the proceeding by maintaining the present power limitations of 50 kilowatts and by assigning additional fulltime stations to all but 12 of the 25 class I-A clear-channel frequencies. Since 2 of these 12 already have additional full time stations in New Mexico and Alaska on their respective frequencies, the Commission's solution would leave but 10 channels which would be clear or free of nighttime duplication.

---

<sup>1/</sup> Actually only 24 frequencies are clear and free of nighttime duplication within the continental limits of the United States and 1 of these is duplicated in Alaska.

The action proposed to be taken by the Commission would worsen rather than improve the existing situation. Duplication or further breakdown of the too few remaining class I-A clear-channel frequencies will lead to more service being afforded to cities which are already well served and to less service to the rural and remote areas which are now underserved. Also, the proposed duplication will (1) create an impossible roadblock to the only possible means of improving service in areas where it is needed, the use of higher power by class I-A stations and (2) surely lead to further duplication and a further degradation of service to rural areas.

In view of these facts, my bill will amend the act to prohibit further duplication or breakdown of class I-A clear-channel frequencies beyond that authorized as of July 1, 1961. The present law (sec. 303c) authorizes the Commission to improve service to the present radio "desert" by permitting class I-A clear channel stations to operate with power in excess of 50 kilowatts. It is clear that the resolution passed by the Senate in 1938 (S. Res. 294) did not amend the basic law, died with that session of Congress and is in no way a bar to the authorization of higher power by the FCC. Higher power should be granted to each class I-A clear-channel station which proves to the Commission that such power will improve significantly the nighttime skywave service provided by the station to rural and smalltown areas which do not receive a satisfactory nighttime groundwave signal from any U.S. standard broadcast station.

My primary concern is the best interests of the millions of rural and smalltown Americans who for years have suffered from a lack of adequate radio service at night. I am convinced that these people, whose needs for radio programs clearly exceed the needs of those living in or near cities large enough to support radio stations, can receive adequate radio service only through the preservation of all existing class I-A clear-channel frequencies and the authorization of higher power for all class I-A stations. I feel as strongly that class I-B frequencies should not be broken down to any greater extent than now exists. I only wish it were feasible to convert some or all of these I-B frequencies back to I-A frequencies, especially in the Far West.

I am equally convinced that national defense considerations dictate that no further duplication of class I-A or I-B clear-channel frequencies be permitted and that higher power be authorized for all class I-A stations. I intend to ask that the proper military authorities testify at the forthcoming hearings to be held on the bill as to the vital defense needs for preserving and strengthening the precious natural resources which the class I frequencies constitute.

It is also of extreme importance from an international viewpoint that we not fritter away our too few remaining radio natural resources. Our neighbors could not be stopped from using our class I frequencies in their countries should we choose to desecrate their use in our own country. We should take a lesson from our neighbor Mexico which has kept all of its clear-channel frequencies free of nighttime duplication and has authorized power greatly in excess of 50 kilowatts for each of its class I-A stations. This was the only way Mexico could serve its rural population. It is equally true of us.

For all of the reasons given above, I earnestly urge that my bill be given early consideration and that it be passed promptly by the Senate.

-----

REMARKS OF SENATOR KEATING (REP. N. Y.) IN CONNECTION  
WITH INTRODUCTION OF S. 2290 ON JULY 20, 1961  
(107 CONGRESSIONAL RECORD 12032)

Mr. KEATING. Mr. President, I commend the senior Senator from Indiana for introducing this legislation which would limit use of 25 clear-channel frequencies in the United States to the single stations that now occupy them.

This bill, Mr. President, would do no more than to maintain the situation that has existed on these channels for the last 25 years. The stations now occupying these channels have provided radio service to the vast rural areas of this country and the small towns that are too far from an ordinary radio station to receive a regular ground signal.

The recent ruling by the Federal Communications Commission would upset and interfere with this existing service. If you permit a station in Oregon or Montana to occupy a channel that is now served by New York or some other eastern city, there is bound to be an intermediate zone, now receiving good service from the Eastern station, which will be plagued with interference on this channel and in effect would receive no service at all.

What you are doing then, under the guise of expanding service, is actually to abolish service to many people who are now receiving it. The great middle area of this country will find itself with less radio service than before. Many persons will undoubtedly be deprived of this valuable source of information and entertainment.

I have no quarrel with the FCC's objective of expanded service. I believe that this objective is commendable. Would it not be better, however, to achieve this objective by permitting the existing stations to increase their broadcasting power? I realize that this course has certain technological difficulties, but I think that it should be most carefully explored.

Some changes in the bill may be desirable. On the whole, however, I think that this legislation is commendable, and I believe that the Senator from Indiana is rendering an important service in centering attention on this important problem.

-----

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WITH INTRODUCTION OF S. 2290 ON JULY 20, 1961

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Some changes in the bill may be desirable. On the whole, however, I think that this legislation is commendable, and I believe that the Senator from Indiana is rendering an important service in centering attention on this important problem.

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REMARKS OF SENATOR MILLER (REP. IOWA) IN CONNECTION

WITH INTRODUCTION OF S. 2290 ON JULY 20, 1961

(107 CONGRESSIONAL RECORD 12032-33)

Mr. MILLER subsequently said: Mr. President, I wish to make a few remarks in support of the radio legislation introduced today by the senior Senator from Indiana [Mr. CAPEHART], and cosponsored by the junior Senator from Georgia [Mr. TALMADGE].

The proposed legislation would insure that none of the too few remaining clear-channel frequencies is broken down or duplicated by assigning additional nighttime stations on the various clear-channel frequencies.

Back in 1928, 40 clear-channel frequencies were established to bring service to the vast rural and small-town areas of America. Although the need for nighttime skywave service from clear-channel stations has increased over the years, a process of erosion has set in with the result that only 25 of the original 40 clear-channel frequencies remain today.

The Federal Communications Commission has acknowledged that today almost 60 percent of the land area of the United States and over 25 million people residing in what are known as "white" areas must depend on nighttime skywave service from clear-channel stations for their only source of radio programs because they do not receive even one acceptable nighttime groundwave service. Additional millions of Americans must depend on clear-channel nighttime skywave service for any choice of radio programs. All stations emit nighttime skywave signals but these signals provide interference rather than service if more than one station operates on the same frequency. Thus, only clear-channel stations are able to provide nighttime skywave service to remote areas which do not receive groundwave service.

The past history of radio shows that if any of the remaining 25 clear-channel frequencies is duplicated, the end result will be that new stations will be assigned to cities already having a multiplicity of existing stations and the sparse service now afforded to persons living in rural and small town areas will be further degraded. Once a clear channel is broken down by assigning one additional nighttime station to



the frequency, it is inevitable that additional domestic and foreign stations will be assigned to the frequency over the years.

Because of the existing power limitation of 50 kilowatts imposed by the Commission's rules, the nighttime skywave signals now provided by clear-channel stations do not in all instances have sufficient strength to provide a reliable service to all of the millions of people living in white areas. Under the existing law--sections 303(c) of the Communications Act of 1934--the Commission has authority to permit it any amount of operating power. Where the facts warrant it, the Commission should authorize clear-channel stations to operate with such power in excess of 50 kilowatts as is necessary to improve significantly the nighttime skywave service afforded to millions of rural and small town Americans who now receive no nighttime groundwave service whatsoever and to the additional millions who now receive only one or two nighttime groundwave services. In this connection it is clear that the resolution passed by the Senate in 1938--Senate Resolution 294--did not amend the basic law, died with that session of Congress, and is in no way a bar to the authorization of higher power by the Federal Communications Commission.

In closing, I wish to note that I have a high regard for the many fine broadcast stations of all classes operating in Iowa, including local, regional daytime and clear-channel stations. I am particularly proud to point out that clear-channel station WHO, which operates in Des Moines, has always fulfilled its responsibilities as a clear-channel station by serving the needs and interests of its vast city and rural audiences. I wish to compliment the many fine achievements, both on the air and off the air, of its able and energetic farm director, Mr. Herb Plambeck. In the past 25 years, he has received no less than 46 State, National, and international citations from farm organizations, the latest being the Animal Agriculture Award, presented annually by the American Feed Manufacturers Association to one farm broadcaster for outstanding services to livestock and poultry farmers.

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87th CONGRESS  
1st Session

H. R. 8274

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IN THE HOUSE OF REPRESENTATIVES

July 20, 1961

Mr. Loser introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

---

A BILL

To amend the Communications Act of 1934, as amended.

1. Be it enacted by the Senate and House of Representa-
2. tives of the United States of America in Congress assembled,
3. That subsection (c) of section 303 of the Communications
4. Act of 1934, as amended, is amended by inserting before
5. the semicolon at the end thereof a colon and the following:
6. "Provided, That except to the extent authorized as of July 1,
7. 1961, no more than one standard broadcast station shall be
8. granted a license to operate before local sunrise or after local
9. sunset on each of the following twenty-five class I-A clear-
10. channel frequencies: 640, 650, 660, 670, 700, 720, 750,
11. 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1030,
12. 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kilocycles".

OREN HARRIS  
4TH DIST., ARKANSAS

CHAIRMAN:  
COMMITTEE ON INTERSTATE  
AND FOREIGN COMMERCE

HOME ADDRESS:  
EL DORADO, ARKANSAS

SECRETARIES:  
WILLIE HARRIS  
CHRISTINE CHRISTIE  
RUTH COLLINS

**Congress of the United States**  
**House of Representatives**  
**Washington, D. C.**  
July 18, 1961

Mr. John H. DeWitt  
President  
W S M, Inc.  
Nashville, Tennessee

Dear John:

This will acknowledge your wire advising of the introduction by my colleagues of an amendment to subsection C of section 303 of the Communications Act during this week. Also, advising of the importance and imperative need for the protection of clear channel radio stations.

I have not had occasion to discuss this with either Mr. Flynt or Mr. Bennett. I shall be glad, however, to discuss it with them at the first opportunity.

I know of your activity in connection with radio applications over the years and your familiarity with this problem. I shall be glad to give the proposal my attention and consideration.

With kindest regards,

Sincerely yours,

  
OREN HARRIS, M. C.

OH:m

LAW OFFICES OF  
**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**  
WORLD CENTER BUILDING - 16<sup>TH</sup> AND K STREETS, N. W.  
**WASHINGTON 6, D. C.**

TELEPHONE STERLING 3-3200

July 19, 1961

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

MEMORANDUM TO CCBS GENERAL MANAGERS, CHIEF ENGINEERS  
AND FARM DIRECTORS

Clear Channel Legislation

Attached is a copy of H. R. 8210 introduced yesterday by Congressman Dingell (Dem., Mich.). The Bill prohibits any further breakdown of any one of the existing 25 Class I-A Clear Channel frequencies and directs the FCC to grant higher power where nighttime service to "white" areas would be improved significantly. Also attached is a copy of H. R. 8211 introduced yesterday by Congressman Flynt (Dem., Ga.) which deals with the duplication aspect.

It is expected that legislation identical to H. R. 8211 will be introduced in the Senate tomorrow on a bipartisan basis and that a Bill identical to H. R. 8210 will be introduced today or tomorrow in the House by Congressman Bennett (Rep., Mich.). Copies will be mailed to each station on Friday.

"6 to 6" House Hearings

Jack DeWitt testified today on behalf of CCBS in opposition to the various House Bills which would authorize operation of all daytime stations for 6:00 a.m. to 6:00 p.m., regardless of the times of local sunrise and local sunset. We are sending one copy of his statement to each member station. His testimony was well received.

As suggested in our Memorandum of July 17, each station should address opposition letters to their Senators and Congressmen and to Congressman Moulder, Chairman of the House Subcommittee which held the hearings. See our Memorandum of July 12 for the numbers of the Bills and the names of the other members of the subcommittee.

In addition to having farm organizations write opposition letters, it would also be a good idea to have regional fulltime stations write opposition letters as the proposed uniform hours of operation for daytime only stations would create severe interference on all regional frequencies. Of the 1,758 daytime and 16 limited time stations authorized as of June 14, 1961, 1,114 or 62.8% are assigned to the 41 regional frequencies.

Reed T. Rollo

R. Russell Eagan

87th CONGRESS  
1st Session

H. R. 8210

---

IN THE HOUSE OF REPRESENTATIVES

July 18, 1961

Mr. Dingell introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

---

A BILL

To amend the Communications Act of 1934, as amended.

1     Be it enacted by the Senate and House of Representa-  
2     tives of the United States of America: in Congress assembled,  
3     That subsection (c) of section 303 of the Communications  
4     Act of 1934, as amended, is amended by inserting before  
5     the semicolon at the end thereof a colon and the following:  
6     "Provided, That except to the extent authorized as of July 1,  
7     1961, no more than one standard broadcast station shall be  
8     granted a license to operate before local sunrise or after  
9     local sunset on each of the following twenty-five class I-A  
10    clear channel frequencies: 640, 650, 660, 670, 700, 720,  
11    750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020,

1 1030, 1040, 1100, 1120, 1160, 1180, 1200, and 1210  
2 kilocycles: And provided further, That each of the class I-A  
3 clear channel stations operating on the above-noted twenty-  
4 five frequencies shall be authorized to operate full time with  
5 power in excess of 50 kilowatts upon a showing by the  
6 station concerned that the power requested will improve  
7 significantly the nighttime skywave service provided by  
8 the station concerned to the rural and smalltown areas of  
9 the continental United States which do not receive a satis-  
10 factory nighttime groundwave signal from any United States  
11 standard broadcast stations".

87th CONGRESS  
1st Session

H. R. 8211

---

IN THE HOUSE OF REPRESENTATIVES.

July 18, 1961

Mr. Flynt introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

---

A BILL

To amend the Communications Act of 1934, as amended.

1. Be it enacted by the Senate and House of Representa-
2. tives of the United States of America in Congress assembled,
- 3 That subsection (c) of section 303 of the Communications
- 4 Act of 1934, as amended, is amended by inserting before
- 5 the semicolon at the end thereof a colon and the following:
- 6 "Provided, That except to the extent authorized as of July 1,
- 7 1961, no more than one standard broadcast station shall
- 8 be granted a license to operate before local sunrise or after
- 9 local sunset on each of the following twenty-five class I-A
- 10 clear channel frequencies: 640, 650, 660, 670, 700, 720,
- 11 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020,
- 12 1030, 1040, 1100, 1120, 1160, 1180, 1200, and 1210
- 13 kilocycles".

EIGHTY-SEVENTH CONGRESS

OREN HARRIS, ARK., CHAIRMAN

JOHN BELL WILLIAMS, MISS.  
PETER F. MACK, JR., ILL.  
KENNETH A. ROBERTS, ALA.  
MORGAN M. MOULDER, MO.  
HARLEY O. STAGGERS, W. VA.  
WALTER ROGERS, TEX.  
SAMUEL N. FRIEDEL, MD.  
JOHN J. FLYNT, JR., GA.  
TORBERT H. MACDONALD, MASS.  
GEORGE M. RHODES, PA.  
JOHN JARMAN, OKLA.  
LEO W. O'BRIEN, N.Y.  
JOHN E. MOSS, CALIF.  
JOHN D. DINGELL, MICH.  
JOE M. KILGORE, TEX.  
PAUL G. ROGERS, FLA.  
ROBERT W. HEMPHILL, S.C.  
DAN ROSTENKOWSKI, ILL.  
JAMES C. HEALY, N.Y.

JOHN B. BENNETT, MICH.  
WILLIAM L. SPRINGER, ILL.  
PAUL F. SCHENCK, OHIO  
J. ARTHUR YOUNGER, CALIF.  
WILLIAM H. AVERY, KANS.  
HAROLD R. COLLIER, ILL.  
MILTON W. GLENN, N.J.  
SAMUEL L. DEVINE, OHIO  
ANCHER NELSEN, MINN.  
HASTINGS KEITH, MASS.  
WILLARD S. CURTIN, PA.  
ABNER W. SIBAL, CONN.  
VERNON W. THOMSON, WIS.

W. E. WILLIAMSON, CLERK

Congress of the United States  
House of Representatives  
Committee on Interstate and Foreign Commerce  
Room 1334, House Office Building  
Washington, D.C.

Date July 11, 1961

NOTICE OF PUBLIC HEARINGS

Clear Channel Broadcasting Service  
Room 512, Sherman Building  
Washington 5, D.C.

There will be a meeting of the Committee  
Subcommittee on **COMMUNICATIONS AND POWER**  
PROMPTLY at 10:00 o'clock A.M., JULY 18, 19, and 20, 1961.

Business to be considered: Public hearings on the following bills with  
respect to the hours of operation of certain broadcasting stations:

H.R. 2745 - Mr. Abernethy	H.R. 4749 - Mr. Moulder
H.R. 3334 - Mr. Pelly	H.R. 4830 - Mr. Ikard of Texas
H.R. 3469 - Mr. Shipley	H.R. 5626 - Mr. Gray
H.R. 4695 - Mr. Whitten	

The "Legislative Reorganization Act of 1946" Sec. 133(e) reads as follows:

"Each such standing committee shall, so far as practicable, require all witnesses appearing before it to file in advance written statements of their proposed testimony, and to limit their oral presentations to brief summaries of their argument. The staff of each committee will prepare digests of such statements for the use of the committee members."

It is requested that each witness file five (5) days in advance with the Committee Clerk five (5) written copies of his statement, and furnish at least forty-five (45) additional copies at the time of his appearance, for the use of the Committee and the Press.

Please advise whom you represent, if you wish to appear as a witness or file a statement for the record, and, if so, whether you are for or against the proposed legislation, and, if you desire to testify, the amount of time required.

By direction of the Chairman.

*W. E. Williamson*  
W. E. WILLIAMSON,  
Clerk.





JEFFERSON STANDARD



BROADCASTING COMPANY

THOMAS E. HOWARD, VICE PRESIDENT  
MANAGING DIRECTOR  
ENGINEERING AND GENERAL SERVICES

ONE JULIAN PRICE PLACE  
CHARLOTTE 8 NORTH CAROLINA

August 8, 1961

Mr. John H. DeWitt, Jr.  
President  
WSM, Inc.  
National Building  
Nashville, Tennessee

Dear Jack:

On the chance that you might not have seen it, I am enclosing a copy of a story which appeared in the WALL STREET JOURNAL on August third. This story might be useful in again pointing up the fact that the Mexican government has made it possible for their licensees to provide better coverage over the United States than our own stations are allowed to provide.

Undoubtedly many of our citizens listen to the trash broadcast from below the border because it is by far the best and - in some cases - the only reliable signal they can receive during the nighttime hours. The Commission is denying these people a choice of American programming because of their arbitrary and unrealistic position on power increases and on the preservation, protection and improvement of our all too few clear channels.

Some of the Senators and Congressmen you are working with might be interested in a copy of the enclosed story.

Kindest regards.

Sincerely,

*Tom*

TEH:lk  
Enclosure

cc: Mr. Reed T. Rollo  
Mr. R. Russell Eagan  
Mr. Ward L. Quaal

# Mexican Stations Aim Radio Shows at U.S. Free of FCC Controls

\* \* \*

## Commercials Almost Fill One 15-Minute Program; Another Show Offers 'Healing Cloths'

By NEIL MAXWELL

Staff Reporter of THE WALL STREET JOURNAL

A Topeka, Kan., insomniac who decided to turn on his radio during a recent sleepless night was startled to hear a voice offering listeners "free prayer cloths" with instructions on how to lay them on the body for "healing, deliverance and driving out evil spirits."

In Anchorage, Alaska, not long ago another radio listener was equally amazed to find himself tuned to a 15-minute broadcast in which the commercials were so long there was time for the playing of only one 90-second musical number during the entire program.

As both listeners soon discovered, they were not picking up any ordinary stations. Despite the distances involved, the two radios were tuned to stations beamed at U.S. audiences from Mexico, in towns just over the U.S. border. In Tijuana, Juarez, Acuna and other border towns, broadcasters are piling up Yankee dollars by employing tactics which either would be illegal or frowned on in the United States.

Without any fear of interference from the Federal Communications Commission and without any compulsion to conform to industry good practice codes such as the National Association of Broadcasters code limiting commercials on a 15-minute show to three minutes—these stations are attracting more and more advertisers, many with legitimate but some with highly questionable messages.

### Stations Have More Power

Such advertising freedom is combined with another allure. In Mexico, stations are free to broadcast with a power many times greater than the maximum allowed U.S. stations. Consequently, many Mexican broadcasters reach radios all over the U.S. mainland and even in such faraway places as Anchorage.

Granted, there is nothing new about this situation. It has existed for years and the U.S. Government long has sought—unsuccessfully—to get Mexico to agree to restrict its radio stations' power. But lately, more station operators have discovered for themselves the advantages of broadcasting from the Latin land.

Dallas radio man Gordon McLendon, for example, not long ago paid \$1.3 million for only the right to arrange programming and sell advertising on a radio station in Tijuana. (Current Mexican law forbids U.S. citizens to own control of Mexican stations.) Mr. McLendon's company will pay the Mexican owners of the Tijuana station a basic amount to cover operating costs and also will pay a percentage of the profits.

The station, which previously had the call letters XEAK, was renamed XTRA under Mr. McLendon and now beams English-language news broadcasts 24 hours a day at the big southern California market, which includes Los Angeles. XTRA has only 50,000 watts of power, the same as the maximum allowed in the U.S., but Mr. McLendon believes sharply lower operating costs will enable the station to show a greater profit than the average U.S. unit.

### Labor Savings

"Operating this type of station is only profitable from south of the border," Mr. McLendon says. "We have 23 newsmen alone on the air and labor costs in the U.S. would make this almost prohibitive. I estimate it costs \$40,000 a month less to operate in Mexico than if the same station were in Los Angeles."

Mr. McLendon owns seven radio stations in the U.S., the most he is allowed to own under Federal law. Thus, he has been able to enter the southern California market without having to dispose of any of his stations.

Billings and earnings of the Mexican border stations aren't made public and estimates vary widely. Teofilo Bichara, 46-year-old manager of Station XEG in Monterrey, concedes only that his station operates at a profit. A San Antonio man, James A. Savage, estimates in a suit against the station that it grosses \$1 million a year. Mr. Savage is suing XEG and persons connected with it for \$20 million, contending he was forced to sell the station 10 years ago at gun point.

Rates charged by the border stations are lower than some in the U.S., but higher than many others. Station XERF at Acuna, whose 250,000 watts make it five times more powerful than any station in the U.S., charges \$109.38 for a 15-minute religious program in the prime evening hours; this is up from \$87.50 two years ago, according to Standard Rate and Data Service, the U.S. industry's rate guide. XEG charges \$84 for a 15-minute program, but tacks on another 20% if the commercial takes up more than 15% of the broadcast. By comparison, rates in the U.S. for a comparable 15-

Please Turn to Page 12, Column 4

# Mexican Stations Aim Radio Shows at U.S. Free of FCC Controls

Continued From First Page

minute program run \$370 on WCBS in New York, \$120 on KRDL in Dallas, \$33 at KOOK in Billings, Mont., and \$6.40 at KOAL in Price, Utah.

### Adventure in Listening

The border stations really hit their stride after midnight when tuning in provides something of an adventure in varied listening. At 3:45 a.m., for example, XEG advertises 24 records of country music for \$2.98; the discs would cost \$22.50 at a store, the announcer says. At 4 a.m., both XEG and XERF launch into the extended commercial interrupted only for the 90-second song. The product being plugged: Ease, an aid for bloat and bladder urgency.

After the Ease "program," XEG swings into selling gospel records and XERF airs Life Line, a program put on by Dallas oil multimillionaire H. L. Hunt to sound warnings of the Communist menace.

Much of the border stations' revenues come from per-inquiry, or "PI" advertising, a billing method long shunned by all but a handful of U.S. stations because it sometimes attracts questionable offers and is at best a gamble that it will bring in money. A PI advertiser gets free air time, then pays the station a pre-arranged amount for each inquiry or response to the commercial.

### Many Advertisers Pleased

Many long-time advertisers are pleased with the pulling power of the Mexican border stations. One such advertiser is Dial Finance Co. of Des Moines, which has used as many as five border stations at once and still buys time on the Acuna and Monterrey stations. In an early morning spot on XERF, announcer Paul Kellinger, "your neighbor along the way," identifies Dial as "the good folks who will lend you any amount of money from \$100 to \$600 by complete privacy of mail. Even if you've been turned down in the past, write now and you're going to get your money."

Despite their flamboyancy, the free-wheeling border broadcasters have lost some of their past color. The border radio business was born in the 1930's when Dr. John R. Brinkley built station XERF at Acuna after the old Federal Radio Commission revoked his license in Kansas. Dr. Brinkley, who gained notoriety by transplanting goat glands to aging males for rejuvenative purposes, found he could operate unfettered simply by setting up shop a few hundred yards across the Mexican border. These days, one no longer hears of such remarkable merchandise as "autographed pictures of John the Baptist"—an actual offer by one station a few years ago.

Across from El Paso, Texas, at Juarez, where station XELO once sold "genuine simulated diamond rings" for \$3.98, popular and light classical music now flows over the border and commercials suggest telegraphing flowers to someone and urge motorists to stop at the Desert Inn at Las Vegas.

From WALL STREET JOURNAL, August 3, 1961.



# Clear Channel Broadcasting Service

Shoreham Building  
Washington 5, D. C.

October 30, 1961

Roy Battles  
Director

Mr. John H. DeWitt, Jr.  
President & General Manager  
WSM, Inc.  
301 - 7th Avenue North  
Nashville 3, Tennessee

Dear Mr. DeWitt:

Thank you for your warm note of welcome. It was doubly appreciated -- coming as it did after I had spent nearly a week trying to gain a reasonably good degree of understanding of the ramified aspects of the clear channel situation.

You should know that I have developed a short-range plan running possibly up for the next four or five months of how we might most effectively use our mutual resources to make the greatest impact on Congress and others. This plan contains several optional methods of reaching the above goal which I will discuss in great detail with Ward Quaal in an all day meeting tomorrow in Chicago. Time is short. As soon as this meeting is over I'll be counseling with you and the others in an effort to get my part of this effort on the road.

During the weeks ahead then I hope to gradually whip into shape a long range plan which will be submitted to you and the other members of the Clear Channel group.

I talked to John McDonald on the phone the other evening and as you imply in your letter he is ready to pitch this with his fall program of reaching farm organizations and others.



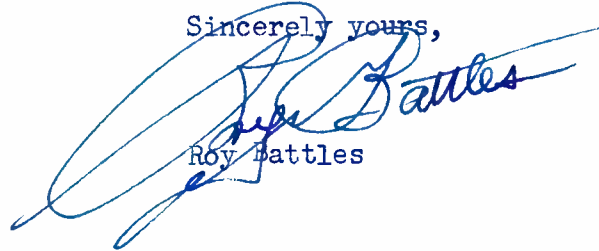
Sponsored by Independently Owned  
Clear Channel Radio Stations

October 30, 1961

I have known John for a long time and he has done not only a great job for you folks but probably as much as any other farm program director for the cause of clear channels.

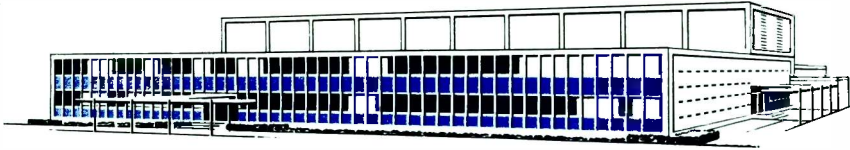
Thank you again for your most welcome note.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Roy Battles", written in a cursive style. The signature is positioned above the typed name "Roy Battles".

Roy Battles

RB/bh



Radio/720 Television/channel 9

**wgn inc.**

2501 West Bradley Place - Chicago 18, Illinois - LAkeview 8-2311

Dic. 8-11-61

Ward L. Quaal Executive Vice President and General Manager

August 16, 1961

Mr. E. W. Craig  
Chairman of the Board  
National Life & Accident Insurance Company  
Nashville, Tennessee

My dear Ed:

As you know from correspondence which I have directed to your attention, plus recent conversations with Jack DeWitt, following our meeting of the AMST board in Ponte Vedre (where, incidentally, the private airport is properly named Craig) we are all concerned about the clear channel picture in Washington.

The legislation as introduced on the House side by Messrs. Bennett and Dingell of Michigan, Flynt of Georgia, and Loser of Tennessee and on the Senate side by Capehart of Indiana, Talmadge of Georgia and Miller of Iowa has arrested the Commission at this time. We are extremely hopeful of favorable action embracing all stations of the group - in fact, the entire clear channel system of 25 frequencies. However, it would seem important, at an early date, shortly after Labor Day, to have a meeting of the Executive Committee and, if possible, the full membership in regard to coordinating action on the pending clear channel legislation and the inroads being attempted by daytimers in one approach or another.

In writing to you today, I want to mention that a suggestion has been made to me that I feel has a lot of merit. Ralph Evans, as you know, is no longer connected with Central Broadcasting Company as Executive Vice President and could be available to us even on a part time basis as Director of CCBS - not necessarily to start this fall, but at the time the Congress returns in January.

Mr. E. W. Craig  
August 16, 1961 -2-

This is something, Ed, that you and the Executive Committee may wish to consider, as you know how dedicated Ralph is in this and every other area pertaining to good broadcasting.

At our next meeting, and I hope it can be held shortly, I would like to visit with you about a problem involving the Internal Revenue Service as it pertains to lobbying and contributions thereto. This is something about which I do not wish to speak at any length at this time.

All good wishes to you, Ed, and be assured I look forward to seeing you shortly.

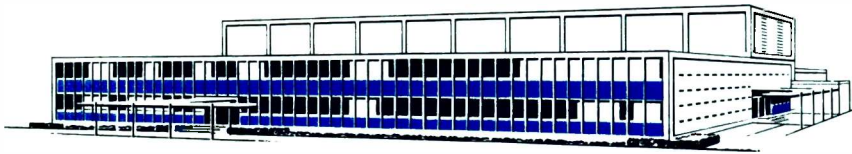
Sincerely,



Ward L. Quaal

WLQ/r

cc: Harold Hough  
Jack DeWitt  
Reed T. Rollo, Esq.  
R. Russell Eagan, Esq.  
Ed Sujack, Esq.



Radio/720 Television/channel 9

**wgn inc.**

2501 West Bradley Place - Chicago 18, Illinois - LAkèview 8-2311

Ward L. Quaal Executive Vice President and General Manager

August 7, 1961

Dic. 8-6-61

Mr. John H. DeWitt, Jr., President  
WSM, Inc.  
Nashville 3, Tennessee

Dear Jack:


Thank you very much for sending me a copy of your memorandum of July 20 in regard to Mr. Kenneth Miller and associates. I am heartened indeed by this new information from the military.

Jack, under separate cover, we are mailing you photocopies of a number of replies I have received resulting from my two days in Washington and subsequent letters and phone calls. I think the response has been excellent and I can't thank you enough for the role you played in helping, Jack.

I have spent two days with Chairman Minow at the Northwestern University Seminar and was pleased that during the course of the sessions he accepted my suggestion, made initially during the NAB convention in Washington, to have a radio conference of top U. S. broadcasters, NAB officials and the FCC. Governor Collins made this suggestion a public statement as a part of his speech at the seminar and Minow accepted the idea in his reply. This prompted the Chairman to visit with me in regard to the rapid growth of the broadcasting industry since the termination of World War II. Many good points were covered, about which I will speak at another time.

Kindest personal regards and sincere appreciation, Jack.

Cordially yours,

  
Ward L. Quaal  
Executive Vice President  
General Manager  
WGN, Inc.

WLQ/r

cc: Carl J. Meyers  
Reed T. Rollo, Esq.  
R. Russell Eagan, Esq.



P.S. Jack, in view of the transfer of operations in this one particular area to Scott Field at Belleville, Illinois, do not hesitate to call upon anyone of us here if you feel we can be of help.

  
WLQ

CROSLY BROADCASTING CORPORATION  
CROSLY SQUARE  
CINCINNATI

JAMES D. SHOUSE  
CHAIRMAN OF THE BOARD

October 30, 1961

Mr. John H. DeWitt, Jr.  
President  
WSM, Incorporated  
Nashville 3, Tennessee

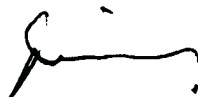
Dear Jack:

Acknowledging your letter with enclosure of  
October 25.

You certainly need not in any way apologize  
for any commitment of this kind which your  
judgment indicates proper. We are all tre-  
mendously interested in the successful prose-  
cution of this effort. This not only from a  
selfish viewpoint, but from the viewpoint of  
our common good.

As always my very best.

Very sincerely



J. D. Shouse

CC: Mr. R. J. Rockwell  
Mr. Clyde Haehnle

October 30, 1961

Commissioner Frederick W. Ford  
Federal Communications Commission  
Washington, D. C.

Dear Commissioner Ford:

I shall appreciate it very much if you will send me a copy of your talk given at the Kentucky Broadcasters Association in Lexington. It bears on a subject which in my opinion has long needed the kind of consideration which you have evidently given it.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

C  
O  
P  
Y

From the Desk of

GEORGE REYNOLDS

Mr. DeWard, Jr.  
Miss DeWard,  
c1+ 26593

### BROADCAST ACTION

#### FCC Concludes Clear Channel Proceedings Opens 13 Channels to Secondary Stations Reserve Judgment on Higher Power

The Commission concluded the long standing proceedings on allocations of AM clear channels by opening thirteen of them (hitherto used exclusively by one station at night) to share operation with additional unlimited time stations on the basis of one new station on each of the thirteen channels. It reserved for future consideration possible changes with respect to the other 12 clear channels and left for further study the question of higher power for other clear channel stations.

The action looks toward provision of nighttime primary AM services to designated needful areas now lacking it.

As indicated in its preliminary amendment of June 13 the Commission will permit the assignment of one unlimited time Class II (secondary) station on each of the 13 Class 1-A (clear) channels under controlled conditions as follows:

Channel	Existing Cl. 1-A Stn.	Permissible Location of Class II station
670 KC	WMAQ-Chicago	<del>Illinois</del>
720 KC	WGN - Chicago	Nevada or Idaho
750 KC	WSB- Atlanta	Anchorage, Alaska
760	WJR - Detroit	San Diego (1)
780 KC	WBBM - Chicago	Nevada
880 KC	WCBS - New York	North Dakota, S. Dakota, Neb.
890 KC	WLS - Chicago	Utah
1020 KC	KDKA - Pittsburgh	New Mexico
1030 KC	WBZ - Boston	Wyoming (2)
1100 KC	KYW - Cleveland	Colorado
1120 KC	KMOX - St. Louis	Cal. or Oregon
1180	WHAM - Rochester	Montana
1210 KC	WCAU - Philadelphia	Kansas, Neb., Oklahoma

1. To accommodate the stations required to shift from their present frequency under the United States Mexican Agreement.
2. Re-classified as a Class 1-A clear channel.

This arrangement will not jeopardize the primary objective of clear channel operation, namely, to bring nighttime service from distant stations to less densely populated parts of the country which are beyond the range of other stations. Clear Channel long-range service is possible only at night when long range skywave transmission is effective

The Class 1-A (dominant) stations which operate alone at night on the thirteen clear channels now being opened will continue to use 50 KW power but each will share its channel with a Class II unlimited time station located in the designated areas. These additional assignments will augment service to needful areas, or in two cases will provide facilities for stations required to change frequencies in conformance with the United States-Mexican Agreement.

**BROADCAST ACTION**  
**FCC Concludes Clear Channel Proceedings**  
**Opens 13 Channels to Secondary Stations**  
**Reserve Judgment on Higher Power**

The Commission concluded the standing proceedings on allocations of AM clear channels by opening thirteen of them (hitherto used exclusively by one station at night) to share operation with additional unlimited time stations on the basis of one new station on each of the thirteen channels. It reserved for future consideration possible changes with respect to the other 12 clear channels and left for further study the question of higher power for other clear channel stations.

The action looks toward provision of nighttime primary AM services to designated needful areas now lacking it.

As indicated in its preliminary amendment of June 13 the Commission will permit the assignment of one unlimited time Class II (secondary) station on each of the 13 Class I-A (clear) channels under controlled conditions as follows:

Channel	Existing Cl. I-A Stn.	Permissible location of Class II station
670 KC	WMAQ - Chicago	Nevada or Idaho
720 KC	WGN - Chicago	Anchorage, Alaska
750 KC	WSB - Atlanta	San Diego (1)
760	WJR - Detroit	Nevada
780 KC	WBBM - Chicago	North Dakota, S. Dakota, Neb.
880 KC	WBS - New York	Utah
890 KC	WLS - Chicago	New Mexico
1020 KC	KDKA - Pittsburgh	Wyoming (2)
1030 KC	WBS - Boston	Colorado
1100 KC	KYW - Cleveland	Cal. or Oregon
1120 KC	KMOX - St. Louis	Montana
1180	WHAM - Rochester	Kansas, Neb., Oklahoma
1210 KC	WCAU - Philadelphia	

1. To accommodate the stations required to shift from their present frequency under the United States Mexican Agreement.
  2. Re-classified as a Class I-A clear channel.
- This arrangement will not jeopardize the primary objective of clear channel operation, namely, to bring nighttime service from distant stations to less densely populated parts of the country which are beyond the range of other stations. Clear channel long-range service is possible only at night when long range skywave transmission is effective.

The Class I-A (dominant) stations which operate alone at night on the thirteen clear channels now being opened will continue to use 50 KW power but each will share its channel with a Class II unlimited time station located in the designated areas. These additional assignments will augment services to needful areas, or in two cases will provide facilities for stations required to change frequencies in conformance with the United States-Mexican Agreement.

October 26, 1961

Mr. Roy Battles  
National Grange  
1616 H Street  
Washington, D. C.

Dear Roy:

Nothing has given me quite as much satisfaction as the fact that you have agreed to join the clear channel forces. At our meeting here in Nashville at which your name was No. 1 on the list I heard nothing but the highest praise from everyone present who knows you.

I just want you to know that you will get the very utmost in cooperation from all of us here at WSM. John McDonald has been quite effective in the past in helping the director with farm organizations and I am sure that he will wish to assist you. My interests have centered on the engineering aspects of our problems for many years and will continue to do so. If I can help in this direction, please do not hesitate to call on me.

All good wishes.

Sincerely yours,

John H. DeWitt, Jr.

JHD"ab

C  
O  
P  
Y

October 26, 1961

Mr. Roy Battles  
National Grange  
1616 H Street  
Washington, D. C.

Dear Roy:

Nothing has given me quite as much satisfaction as the fact that you have agreed to join the clean channel forces. At our meeting here in Nashville at which your name was No. 1 on the list I heard nothing but the highest praise from everyone present who knows you.

I just want you to know that you will get the very utmost in cooperation from all of us here at WSM. John McDonald has been quite effective in the past in helping the director with farm organizations and I am sure that he will wish to assist you. My interests have centered on the engineering aspects of our problems for many years and will continue to do so. If I can help in this direction, please do not hesitate to call on me.

All good wishes.

Sincerely yours,

John H. Hewitt, Jr.

JHD:ap

COPY



Ward L. Quaal

F41

Ward

The National Grange  
1616 H Street, N.W.  
Washington 6, D. C.  
NAtional 8-3507

9, 1961 -- Roy Battles, Assistant to the  
he past nine years, is leaving that post  
Clear Channel Broadcasting Service,

the National Grange, in announcing the  
all Grange members would wish Mr.  
ness in his new assignment in which he  
in which the Grange has long been

The Grange has been a consistent champion of the Clear Channel Radio Service as "The only dependable nighttime radio service available to vast areas of rural America." Mr. Newsom and Mr. Battles worked in the interest of this cause before either of them were identified directly with the office of the National Grange in the Nation's Capital, Mr. Newsom having been Master of the Indiana State Grange, and Mr. Battles having been Farm Program Director for radio station WLW, Cincinnati, Ohio one of the Clear Channel stations.

(more)

Mr. Battles became a member of the National Grange staff at the invitation of Mr. Newsom in 1952, and Mr. Newsom said today that Roy's nine years of effective and loyal service to the Grange, and to rural America through the Grange, has been much appreciated. His loss will be keenly felt by all of us in Grange circles, but we rejoice in the fact he will be rendering great service to vast areas of rural America in his new assignment.

The Clear Channel Broadcasting Service is an organization of clear channel radio stations across the nation, strategically placed, and these stations have been able to maintain their clear channel status only by reason of their outstanding service to rural listeners who are so located that dependable service cannot reach them from local stations because of interference outside of their effective local area.

The Grange vacancy, according to Mr. Newsom, will not be filled until after the annual meeting of the Grange which will be held in Worcester, Massachusetts, in mid-November.

Battles was Farm Program Director at WLW in Cincinnati, before joining the Grange staff in 1952. He is a past President of the National Association of Television and Radio Farm Directors.

August 30, 1961

The Honorable Oren Harris  
Chairman  
Committee on Interstate and Foreign Commerce  
House of Representatives  
Washington, D. C.

Dear Mr. Chairman:

It has come to my attention that the Chairman of the Federal Communications Commission, the Honorable Newton N. Minow, recently indicated that a decision on pending applications for daylight or standard broadcasting stations would be rendered early in the month of September.

In view of pending bills before your great Committee on the subject, namely, H. R. 8210, H. R. 8211, H. R. 8228 and H. R. 8274, and the great concern evidenced by the Clear Channel Broadcasters over their future operations, I respectfully request that you give early consideration to the advisability of officially asking Chairman Minow to withhold action on the pending applications until such time as the Congress has completed action on the said bills.

With kindest personal regards, I am

Sincerely,

J. CARLTON LOBER

blind cc: Herb Plambeck  
Reed T. Hollo, Esq.  
R. Russell Egan, Esq.  
John H. DeWitt, Jr.  
Paul Loyot

File 9-25-61

August 29, 1961

Mr. Robert Hyland  
NHK - CBS  
1144 Hampton Avenue  
St. Louis 18, Missouri

Dear Bob:

Attached hereto, for your information, although you are perhaps well aware of their activities, is a report to the Resolutions Committee of the Missouri Farmers Association adopted at its annual convention, August 14, taking a negative attitude toward the clear channel radio "system" of the United States.

You will note in the copy of the resolution attached hereto that they do not explain how you can "break down" the clears and have "additional clear channel stations". This would be the greatest engineering feat in history if it could be accomplished.

As you know, there is legislation pending in the Congress which would preserve the present system of 35 1A's, including NHK and WHL. We have worked hard - first to get the legislation introduced and then to gain support for it. While it appeared that the Commission might act at an early date on the clear channel case, namely, Rechet 6742, it is now believed that the pending legislation and the desires of its sponsors of the Congress to withhold action until such time as hearings are held will manifest itself and we will have adequate time to fully advise all concerned of the facts before us.

Needless to say, anything you can do with your Missouri Farmers group will aid the cause as their current resolution is damaging to say the least.

All good wishes to you, Bob.

WQ/v

cc: Arthur Hall Hayes

P.S. The real problem exists in one Mr. Jack Wyatt of whom I am sure you are very well familiar.

Sincerely,

*Reed*  
Reed L. Gans  
Executive Vice President  
General Manager  
WHL, Inc.

**Dis. 9-6-61**

**September 7, 1961**

**Mr. Roy Rattles  
Assistant to the Master  
The National Grange  
1616 H Street, N. W.  
Washington 6, D. C.**

**Re: Missouri Farmers  
Association - KDKX**

**Dear Roy:**

**Immediately after your calling the matter of the MFA resolution to the attention of Miss Hase of the CCBS office, she corresponded with me and I got in touch with Bob Hyland, Station Manager of KDKX, St. Louis.**

**This morning Bob Hyland reported the following to me:**

- 1. He had a lengthy meeting with Judd Wyatt and Judd agreed that he had been a factor on this over the years, but that the resolution was inserted at each annual session more or less as routine as the "pledge to the flag". Judd did agree to review it again with Mr. Hainzel and in deference to KDKX, WGN and the other stations that MFA feels do a job for agriculture there is a strong possibility of this resolution not only being dropped, but perhaps one on supporting clear channels emanating therefrom at a future date. Knowing Judd Wyatt and Mr. Hainzel, this I assure you would be the millennium.**
- 2. Hyland will begin an "indoctrination" of all people in key positions in MFA. He admits that KDKX has not told its story very well.**
- 3. Upon the return of Representative Morgan Moulder to Missouri when the current House session concludes, he will stress the interest of KDKX in holding inviolate its Class 1A clear channel. He will also stress to Mr. Moulder his unsoundness in support of a standardized sign-on and sign-off for daytime stations.**

**Mr. Roy Battles**  
**September 7, 1961 -2-**

4. When Chairman Owen Harris of House Interstate speaks before the Missouri Broadcasters Association this fall, Hyland will mention that even though KDKB is not a part of CCBS and is not eligible for membership because of network ownership, that it does sympathize with our efforts and wants to do everything possible along with CCBS to preserve the clear channel concept in radio broadcasting.

By the time you receive this letter, Roy, House Interstate should have voted to direct Chairman Harris to write the FCC asking the withholding of further action on Docket 6741, the so-called clear channel proceeding, until such time as the House can hold hearings early in 1962.

Roy, all the best to you and Herschel.

Sincerely,



Ward L. Quail

WLQ/z

cc: **Bernice Hase**  
**Reed T. Helle, Esq.**  
**R. Russell Egan, Esq.**  
**John H. DeWitt, Jr.**  
**James Quail**  
**Paul Loyet**  
**Norm Flinbeck**

FCC Concludes Clear Channel Proceeding  
Opens 13 Channels to Secondary Stations  
Reserve Judgment on Higher Power

The Commission concluded the long standing proceedings on allocations of AM clear channels by opening thirteen of the (hitherto used exclusively by one station at night) to share operation with additional unlimited time stations on the basis of one new station on each of the thirteen channels. It reserved for future consideration possible changes with respect to the other 12 clear channels and left for further study the question of higher power for other clear channel stations.

The action looks toward provision of night-time primary AM service to designated needful areas now lacking it.

As indicated in its preliminary amendment of June 13 the Commission will permit the assignment of one unlimited time Class II (secondary) station on each of the 13 Class I-A (clear) channels under controlled conditions as follows:

<u>Channel</u>	<u>Existing Class I-A Stations</u>	<u>Permissible Location of Class II Station</u>
670 KC	WMAQ - Chicago	Idaho
720 KC	WOW - Chicago	Nevada or Idaho
750 KC	WSB - Atlanta	Anchorage, Alaska <sup>1</sup>
760 KC	WJR - Detroit	San Diego
780 KC	WBEN - Chicago	Nevada
880 KC	WCBS - New York	North Dakota, S. Dakota, Neb.
890 KC	WLS - Chicago	Utah
1020 KC	KDKA - Pittsburgh	New Mexico
1030 KC	WBZ - Boston	Wyoming <sup>2</sup>
1100 KC	KW - Cleveland	Colorado
1120 KC	KMOX - St. Louis	Cal. or Oregon
1180 KC	WHAM - Rochester	Montana
1210 KC	WCAU - Philadelphia	Kansas, Neb. or Oklahoma

This arrangement will not jeopardize the primary objective of clear channel operation, namely, to bring nighttime service from distant stations to less densely populated parts of the country which are beyond the range of other stations. Clear Channel long-range service is possible only at night when long range skywave transmission is effective.

The Class I-A (dominant) stations which operate alone at night on the thirteen clear channels now being opened will continue to use 50 KW power but each will share its channel with a Class II unlimited time station located in the designated areas. These additional assignments will augment service to needful areas, or in two cases will provide facilities for stations required to change frequencies in conformance with the United States-Mexican Agreement.

1. To accommodate the stations required to shift from their present frequency under the United States-Mexican Agreement
2. Re-classified as a Class I-A clear channel.

The designated stations have been selected with a view to making the most fair, equitable and efficient use of the frequencies taking into account limitations imposed by the need to protect the existing co-channel and adjacent stations, the areas in greatest need of nighttime primary service and the avoidance of undue mutual interference among the new stations themselves.

In the case of the 11 new assignments in a specified state or states, the new stations will operate with directional antenna using at least 1 kw nighttime power. At least 25% of the areas or 25% of the population to be served must not receive nighttime primary service from any other station.

The rule amendment opening the way to the submission of application will go into effect on October 30, 1961.

The new rules provide safeguards against undue mutual interferences, prohibit lap-over between the new unlimited time Class II stations and applications for facilities on adjacent frequencies (i.e. those 10, 20, 30 KC removed). The 30 adjacent frequencies so concerned include fourteen 1-B channels, four regional channels, 10 foreign clear channels and two local channels.

Operation of the remaining twelve Class 1-A channels is not affected. They are:

640 KC	KFI, Los Angeles
650 KC	WSM, Nashville
660 KC (3)	WNBC, New York
700 KC	WLW, Cincinnati
770 KC (4)	WABC, New York
820 KC	WBAP/WFAA, Forth Worth, Dallas
830 KC	WCCO, Minneapolis
840 KC	WHAS, Louisville
870 KC	WWL, New Orleans
1040 KC	WHO, Des Moines
1160 KC	KSL, Salt Lake City
1200 KC	WOAI, San Antonio

Holding these twelve clear channels in status quo for consideration of future changes on them makes it necessary to place certain restrictions on frequencies adjacent to them for three years (September 1, 1964) or until earlier action is taken. Processing of applications for new stations on the adjacent frequencies concerned will be deferred and adjacent channel applications for power increases and change from daytime to nighttime operation will be reviewed for possible effect on future use of the twelve clear channels.

These restrictions in general apply to 23 frequencies which are adjacent to the twelve channels - Ten Class 1-B, 5 Class III and 8 foreign clear channels.

- 
3. KEAR operates on this channel unlimited time in Fairbanks, Alaska
  4. Available also for use by an additional Class 1 station in Albuquerque, N.M.



Until further Commission action new daytime stations will not be assigned to Class I-A clear channels and pending applications therefore will be returned.

The Report and Order also adopted for use in connection with the 25 Class I-A clear channels new skywave curves in place of those presently used. (Figure 1 of Section 3.190 of the Rules.) The new curves contained in new Figure 1-a of 3.190 are the same as the skywave curves contained in the North American Broadcasting Agreement (NARBA). The Report and Order also makes applicable to these channels the angle of departure curves contained in Figure 6-a of that section now applicable to frequencies other than clear channels in place of present Figure 6.

The Commission is making no determination at this time on whether the public interest would be served by permitting higher power to extend the nighttime range of Class I-A clear channel stations, or whether duplication of stations could also be permitted on the twelve clear channels now held in status quo. A study of these considerations will be continued.

"Upon Commission consideration of the question," says the Commission, "we conclude that there is not sufficient basis before us for a finding that the public interest would be served by authorizing higher power but that at the same time the question warrants further consideration in the light of such improvements and changes in service as may result from the action we now take to authorize additional unlimited time stations on 13 of the Class I-A clear channels." It adds:

"We leave open, unprejudiced, whether and if so, how the public interest would be served by changing the rules affecting the use of the twelve clear channels now left in status quo. At such time as further developments, including progress under the changes we now adopt, provide additional light on the question we will give further consideration to the best utilization of the 12 clear channels not now disturbed."

This action concludes the clear channel proceeding in Docket 6741 which has been in process since 1945. It was taken by Chairman Minow and Commissioners Hyde, Bartley, Lee Craven, Ford and Cross on September 13, 1961.

Commissioner Lee dissented in a statement and Commissioner Cross concurred in part and dissented in part in a statement.

The text will be printed by the GPO in a weekly pamphlet.

LAW OFFICES OF

**KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS**

WORLD CENTER BUILDING - 1625 AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

LOUIS G. CALDWELL  
(189-1981)  
HAMMOND E. CHAFFETZ  
REED T. ROLLO  
DONALD C. BEELAR  
PERCY H. RUSSELL  
KELLEY E. GRIFFITH  
PERRY S. PATTERSON  
R. RUSSELL EAGAN  
CHARLES R. CUTLER  
FREDERICK M. ROWE  
ALOYSIUS B. MCBABE

JOSEPH DU COEUR  
PAYMOND G. LARROCA  
JOHN P. MANWELL

CHICAGO OFFICE  
PRUDENTIAL PLAZA  
CHICAGO 1, ILLINOIS

October 17, 1961

MEMORANDUM

TO: CCBS GENERAL MANAGERS AND CHIEF ENGINEERS

Enclosed for your information are copies of the following pleadings which we filed with the Commission yesterday in the Clear Channel case (Docket No. 6741):

1. Petition for Rehearing on Behalf of Clear Channel Broadcasting Service (CCBS).
2. Motion for Stay filed on behalf of CCBS.
3. Petition for Reconsideration and Conditional Request for Evidentiary Hearing filed on behalf of WGN.
4. Petition for Reconsideration and Other Relief filed on behalf of KFL.
5. Petition for Reconsideration and Conditional Request for Evidentiary Hearing filed on behalf of WHAM.
6. Petition for Reconsideration and Conditional Request for Evidentiary Hearing filed on behalf of WJR.

Other pleadings filed yesterday include the following:

1. Petition for Rehearing filed on behalf of WSB by its Washington counsel, Dow, Lohnes, & Albertson.

2. Petition for Reconsideration filed on behalf of WCCO by its Washington counsel, Fly, Shuebruk, Blume, & Gaguine.

3. Petition for Partial Stay filed on behalf of WCCO by its Washington counsel, Fly, Shuebruk, Blume, & Gaguine.

4. Petition for Reconsideration filed on behalf of Westinghouse Broadcasting Company, Inc. (KDKA, WBZ, and KYW).

There may have been pleadings filed by others, but if so we have not yet been able to learn of them.

Unfortunately, we do not have sufficient copies of the above-listed pleadings filed by others to furnish you copies. However, in general they support the CCBS position.

As you will note from footnote 2 on page 2 of the CCBS petition, there are two methods for computing the time within which petitions for reconsideration or rehearing may be filed pursuant to Section 405 of the Communications Act. Those using the alternate method must have their pleadings on file not later than October 23. Undoubtedly, many others will file on that date including the Daytime Broadcasters' Association and those parties interested in obtaining action on applications involving frequencies 10kc, 20kc, and 30kc removed from the Class I-A channels. We shall advise you shortly after October 23 of all pleadings filed.

Reed T. Rollo

R. Russell Eagan

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington 25, D. C.

In the Matter of )  
 )  
Clear Channel Broadcasting ) Docket 6741  
in The Standard Broadcast Band )

PETITION FOR REHEARING

ON BEHALF OF

CLEAR CHANNEL BROADCASTING SERVICE (CCBS)

Reed T. Rollo  
Percy H. Russell  
R. Russell Eagan  
Aloysius B. McCabe  
of  
Kirkland, Ellis, Hodson,  
Chaffetz & Masters  
800 World Center Building  
Washington 6, D. C.

Attorneys for CCBS

October 16, 1961

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington 25, D. C.

In the Matter of )  
 )  
Clear Channel Broadcasting ) Docket 6741  
in the Standard Broadcast Band )

PETITION FOR REHEARING

Clear Channel Broadcasting Service (hereinafter referred to as CCBS), by its attorneys, pursuant to Section 405 of the Communications Act and Section 1.191 of the Rules, hereby petitions the Commission to reconsider and set aside the Report and Order adopted herein on September 13, 1961, and released on September 14, 1961.<sup>1/</sup> In support thereof, it is stated as follows:<sup>2/</sup>

I. STANDING AND IDENTITY OF CCBS

A. Members

1. CCBS, one of the original parties to the instant proceeding, is an informal organization composed of the following twelve licensees of Class I-A standard broadcast stations:

---

<sup>1/</sup> FCC Mimeo 61-1106.

<sup>2/</sup> See next page.



<u>Call Letters and Location</u>	<u>Frequency (kc)</u>	<u>Licensee</u>
1. KFI, Los Angeles, Calif.	640	Earle C. Anthony, Inc.
2. WSM, Nashville, Tenn.	650	WSM, Inc.
3. WLW, Cincinnati, Ohio	700	Crosley Broadcasting Corp.
4. WGN, Chicago, Illinois	720	WGN, Inc.
5. WSB, Atlanta, Georgia	750	Atlanta Newspapers, Inc.
6. WJR, Detroit, Michigan	760	The Goodwill Stations, Inc.
7. WFAA, Dallas, Texas	820	A. H. Belo Corp.
8. WBAP, Fort Worth, Texas	820	Carter Publications, Inc.
9. WHAS, Louisville, Kentucky	840	WHAS, Inc.
10. WHO, Des Moines, Iowa	1040	Central Broadcasting Co.
11. WHAM, Rochester, N. Y.	1180	Genesee Broadcasting Corp.
12. WOAI, San Antonio, Texas	1200	Southland Industries, Inc.

#### B. Origin

2. The origin of CCBS goes back to a meeting held in Chicago in May of 1934. The meeting was attended by representatives of various Class I-A stations who shared a common concern over the then mounting pressures to duplicate or break down the then remaining clear channel frequencies by assigning more than one fulltime station on each frequency. Although the November 11, 1928 allocation had set aside 40 frequencies on each of which only one station was authorized to operate during nighttime

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2/ This petition is submitted within 30 days (computed according to Section 1.18 of the Rules) from the date of public release of the full text of the Report and Order in this proceeding. Petitioner is aware of the recent ruling by the Commission (20 R. R. 1559) to the effect that a petition for reconsideration of a decision in a rulemaking proceeding may be filed within 30 days of publication of the decision in the Federal Register. This petition is presented somewhat in advance of the final date which would be applicable under the foregoing ruling in order to obviate any possible contentions by interested parties in the future that it was not timely filed.

hours in order to "give good service to rural and remote listeners," <sup>3/</sup> by May of 1934 seven of the original 40 clear channel frequencies had been broken down by the assignment of a second fulltime station on each of the seven frequencies, <sup>4/</sup> a number of applications seeking additional fulltime authorizations on clear channel frequencies had been filed during the early part of 1934 and Mexico had announced the assignment of fulltime stations on 19 U. S. clear channel frequencies.

C. Participation in 1936 and 1938 Clear Channel Hearings

3. As a result of the meeting held in Chicago in May of 1934, a joint petition was filed with the Commission on August 7, 1934 by several of the present Class I-A stations. As a result, the Commission announced on October 30, 1934, that "a survey will be made for the purpose of determining the service available to the people of the United States and the type of station that the listeners in rural areas are dependent upon for the service" (FCC P. N. 11326). This survey was followed by hearings held in 1936 and 1938 (Dockets 4063 and 5072-A) for the purpose of determining what could be done to improve broadcast service. <sup>5/</sup> The primary issues

---

<sup>3/</sup> See Exhibits 1 and 2 of CCBS Comments filed herein on August 15, 1958.

<sup>4/</sup> See Exhibits 1 and 2 of CCBS Comments filed herein on August 15, 1958.

<sup>5/</sup> Further details concerning these events are set forth in the "Summary History of Allocation in the Standard Broadcast Band" filed herein on behalf of CCBS on January 12, 1948.

dealt with the still present questions of the extent to which Class I-A frequencies should remain free of duplication and the minimum and maximum powers which should be authorized respecting Class I-A stations.<sup>6/</sup>

4. In the 1936 and 1938 clear channel hearings, the Clear Channel Group, the predecessor to CCBS, advocated that a minimum of 40 Class I-A frequencies be retained and that all Class I-A stations be authorized to operate with power in excess of 50 kw in order to improve service to rural and remote areas and populations.

#### D. Membership Qualifications

5. In 1941 members of the Clear Channel Group formed Clear Channel Broadcasting Service which had the following three self-imposed qualifications:

- a. A member must be the licensee of a Class I-A station.
- b. A member must be interested in preserving the channel on which his station operates as a clear (unduplicated) channel.
- c. A member must be the licensee of a Class I-A station which is not owned or controlled by a network.

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<sup>6/</sup> These issues were first debated in 1924 when several stations, including KFI and WLW, sought to increase operating power from 1 kw to 5 kw. The issues were again debated in the fall of 1930 when a hearing was held to determine which of a number of applicants would be authorized to operate with 50 kw. General Order 42 had been amended on June 16, 1930, so as to provide that 50 kw (25 kw on a regular basis and 25 kw on an experimental basis) could be used on 20 of the 40 clear channel frequencies.

E. Participation in Instant Proceeding

6. When the instant proceeding was initiated on February 20, 1945, CCBS became a party to the proceeding and has actively participated in all stages of the hearing. CCBS has uniformly urged that service can be improved to rural and remote areas only by preserving the too few existing Class I-A frequencies and authorizing all Class I-A stations to operate with power in excess of 50 kw. The Report and Order released herein on September 14, 1961 retains the power ceiling of 50 kw, breaks down 13 of the Class I-A frequencies<sup>7/</sup> and leaves for a future decision the question of whether duplication or higher power or a combination thereof will be authorized respecting the remaining 12 Class I-A frequencies.<sup>8/</sup>

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<sup>7/</sup> Including the frequencies on which CCBS member stations WGN (720 kc), WSB (750 kc), WJR (760 kc) and WHAM (1180 kc) operate.

<sup>8/</sup> One of which is already duplicated (770 kc) and two of which (640 and 830 kc) are subject to "special circumstances" so that applications for partial duplication at Ames, Iowa and New York City will be accepted and acted on in light of decisions to be rendered in Dockets 11290 and 11227. KFI (640 kc) is a member of CCBS.

II. SUMMARY OF ACTION TAKEN IN THE NOTICES OF  
APRIL 15, 1958 AND SEPTEMBER 22, 1959 AND  
SEPTEMBER 14, 1961 REPORT AND ORDER

A. February 20, 1945 11 Hearing Issues (Part I)

7. When the instant proceeding was commenced in February of 1945, the number of Class I-A frequencies had been reduced from 40 to 24 (See Exhibits 1 and 2 of CCBS Comments filed herein on August 15, 1958 regarding the details of the breakdowns).<sup>9/</sup> In addition, a 25th frequency (1030 kc), which was then classified domestically and internationally as a Class I-B frequency, has been subsequently classified internationally as a Class I-A. The February 20, 1945 Notice, which commenced Part I of the instant proceeding, specified the following eleven issues (1 R. R., Part 1, Page 53:liii):

- (1) What recommendation concerning the matters covered by this order the Commission should make to the Department of State for changes in provisions of the North American Regional Broadcasting Agreement.
- (2) Whether the number of clear channels should be increased or decreased and what frequencies in the standard broadcast band shall be designated as I-A channels and as I-B channels.
- (3) What minimum power and what maximum power should be required or authorized for operation on clear channels.

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<sup>9/</sup> One of the 24 (770 kc) had not in fact been "clear" since 1941 because of the authority granted KOB, Albuquerque, New Mexico to operate fulltime on the frequency in addition to WABC, New York City.

- (4) Whether and to what extent the authorization of power for clear channel stations in excess of 50,000 watts would unfavorably affect the economic ability of other stations to operate in the public interest.
- (5) Whether the present geographical distribution of clear channel stations and the areas they serve represent an optimum distribution of radio service and whether the fair, efficient, and equitable distribution of radio service among the several states and communities specified in Section 307(b) of the Communications Act requires a geographical redistribution at this time.
- (6) Whether it is economically feasible to relocate clear channel stations so as to serve those areas which do not presently receive service.
- (7) What new rules or regulations, if any, should be promulgated to govern the power or hours of operation of Class II stations operating on clear channels.
- (8) What changes the Commission should order with respect to geographical location, frequency, authorized power or hours of operation of any presently licensed clear channel station.
- (9) Whether and to what extent the clear channel stations render a program service particularly suited to the needs of listeners in rural areas.
- (10) The extent to which the service areas of clear channel stations overlap and the extent to which this involves a duplication of program service.
- (11) What recommendation, if any, the Commission should make to the Congress for the enactment of additional legislation on the matters covered by this Order.

B. April 15, 1958 Further Notice (Part II)

(1) Resolution of Issues 1, 2, 7, 9, 10 and 11

8. Six of the 11 issues were resolved in the manner indicated by the Further Notice of Proposed Rule Making (Part II) released herein

on April 15, 1958 as follows:

- a. Issue 1. The issue has been rendered moot.
- b. Issue 2. There is no practicable basis for increasing the number of clear channel frequencies, and it would not be in the public interest to decrease the number thereof.
- c. Issue 7. The issue is rendered moot by the decisions reached in Dockets 8333, 12274 and 12729.
- d. Issues 9 & 10. The pertinent record evidence is "too outdated to provide a sound basis for judgment \* \* \*."
- e. Issue 11. Enactment of additional legislation is not necessary.

(2) Proposed Resolution of Issues 3-6 & 8

9. With respect to the unresolved five issues (Nos. 3, 4, 5, 6<sup>10/</sup> and 8), the April 15, 1958 Notice proposed, in pertinent part, as follows:

- a. A maximum power ceiling of 50 kw should be retained with respect to 12 Class I-A frequencies (660, 670, 720, 770, 780, 880, 890, 1020, 1100, 1120, 1180 and 1210 kc).

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<sup>10/</sup> It was resolved that the record failed "to support the desirability of outright relocation of clear channel stations \* \* \*."

(1) On five of the 12 frequencies (660, 770, 880, 1100 and 1180 kc), additional Class I fulltime stations (one on each frequency) should be assigned in specified western states, the new Class I station and the existing Class I-A station to operate with power of 50 kw employing directional antennas so as to afford mutual protection.

(2) On the remaining seven of the 12 frequencies (670, 720, 780, 890, 1020, 1120 and 1210 kc), additional Class II full-time stations (one on each frequency) should be assigned in underserved areas, the existing Class I-A station not being required to directionalize.

(3) Processing of applications for new and expanded daytime facilities on the 12 Class I-A frequencies should be deferred until reasonable opportunity has been provided for the assignment of the proposed additional fulltime stations.

b. Resolution of the question of authorizing higher power (in excess of 50 kw) for the Class I-A stations on the remaining 12 Class I-A frequencies (640, 650, 700, 750, 760, 820, 830, 840, 870, 1040, 1160 and 1200 kc) should be deferred and the status quo should be retained, daytime and nighttime.

c. Should the separate KOB proceeding be resolved by assigning KOB to 770 kc, 1030 kc will remain available for a fulltime Class I assignment at a location other than Albuquerque in addition to WBZ, Boston.



C. September 22, 1959 Third Notice (Part III)

(1) Proposed Resolution of Issues 3-6 & 8

10. In the Third Notice of Further Proposed Rule Making released September 22, 1959 (Part III), the Commission proposed, in pertinent part, to resolve Issues 3, 4, 5, 6 and 8 as follows:

a. Defer final resolution of the question of whether Class I-A stations should be authorized to operate with power in excess of 50 kw.

b. The existing fulltime operation in Fairbanks, Alaska on 660 kc (KFAR) and in Albuquerque, New Mexico (KOB) should be maintained and the Class I-A stations on the frequencies (WNBC, New York and WABC, New York) should continue to operate as presently authorized.<sup>11/</sup>

c. Additional fulltime stations (one on each frequency) should be authorized to operate within specified states on the remaining 23 Class I-A frequencies, the new stations to operate with a minimum power of 10 kw and to directionalize so as to "provide a satisfactory degree of protection" to the pertinent Class I-A stations.

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<sup>11/</sup> WNBC and WABC each operate on a non-directional basis with power of 50 kw.

D. September 14, 1961 Report and Order

(1) Resolution of Issues 3-6 & 8

11. In the Report and Order released herein on September 14, 1961, Issues 3, 4, 5, 6 and 8 were resolved as follows:

a. Existing or additional Class II stations (one on each frequency) may operate fulltime, within specified locations, on each of the following 13 Class I-A frequencies; 670, 720, 750, 760, 780, 880, 890, 1020, 1030, 1100, 1120, 1180 and 1210 kc.<sup>12/</sup>

(1) 750 kc is reserved for Class II-B use by KFQD, Anchorage, Alaska, with a maximum power of 10 kw. KFQD must protect the 0.1 mv/m daytime groundwave and 0.5 mv/m nighttime 50% skywave contours of WSB, Atlanta, Georgia.

(2) 760 kc is reserved for Class II-B use by KFMB, San Diego, California with a maximum power of 5 kw. KFMB must protect the 0.1 mv/m daytime groundwave and 0.5 mv/m nighttime 50% skywave contours of WJR, Detroit, Michigan.

(3) On each of the remaining 11 Class I-A frequencies listed above (Par. 11 a.), one new fulltime Class II-A station will be permitted to operate within specified states (see Rule 3.22(a)). Such new

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<sup>12/</sup> It appears that 890 kc was inadvertently omitted from the list of frequencies set forth in Par. 35. Existing stations KFQD and KFMB will be permitted to change their frequencies to 750 and 760 kc, respectively.

stations must operate with a minimum power of 10 kw (and a maximum of 50 kw), must protect the 0.1 mv/m daytime groundwave and the 0.5 mv/m nighttime skywave 50% contours of the co-channel Class I-A station and must provide the first nighttime primary service to either 25% of the nighttime interference-free primary service area or to 25% of the population residing therein.

(4) Applications for new daytime or limited time stations (Class II-D) on any of the 25 Class I-A frequencies to be located within the continental United States will not be accepted for filing and such applications now on file will be dismissed (Par. 56 and Rule 3.25 (a) (v)). <sup>13/</sup>

(5) Applications for new or changed facilities on any of the frequencies located within 30 kc of the above-noted 13 Class I-A frequencies are subject to Rule 1.351(a).

(6) The assignment of Class II stations on the 13 Class I-A frequencies "at least limit and at worst frustrate the future possibilities for employing \* \* \*" (Par. 18) the use of higher power on the Class I-A stations operating on the 13 Class I-A frequencies.

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<sup>13/</sup> The degree to which existing Class II-D stations assigned to the pertinent Class I-A frequencies may prosecute modification applications is not specifically spelled out in the Report and Order or in the new rules. However, Rule 3.25(a) (5) (ii) implies that modification applications will not be processed.

b. Two Class I fulltime stations may be assigned on 770 kc, one of the remaining 12 Class I-A frequencies (Note 3, Rule 3.25 (a)). <sup>14/</sup> The exact form of operations which will be permitted on the two Class I stations (WABC, New York, and KOB, Albuquerque, New Mexico) will be determined in the proceedings to be held as a result of the May 1960 decision of the Court of Appeals in American Broadcasting Company v. FCC, 280 F. 2nd 631, 20 R. R. 2001 (Pars. 82-85). <sup>15/</sup>

c. Although Par. 29 of the Report and Order released September 14, 1961 states that the status quo will be maintained respecting 640 kc and 830 kc, two more of the remaining 12 Class I-A frequencies, Rule 3.25 is in fact amended so as to accept applications for operation during nighttime hours by WOI, Ames, Iowa, on 640 kc and WNYC, New York City on 830 kc. The exact form of operation for WOI

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<sup>14/</sup> 770 kc was inadvertently omitted from the list of frequencies set forth in Rule 3.25(a).

<sup>15/</sup> Although 770 kc is included among the 12 Class I-A frequencies concerning which the Commission has apparently deferred final judgment on the question of higher power for the Class I-A stations assigned thereto (Pars. 18-21), it would appear that higher power is foreclosed for any Class I-A station on 770 kc in view of the decision to authorize two fulltime Class I stations on the frequency which would "at least limit and at worst frustrate the future \* \* \*" possibility of authorizing higher power for a Class I-A station on 770 kc (Par. 18).

and WNYC is left open for final decision in Dockets 11290 and 11227 (Pars. 73-76). <sup>16/</sup>

d. With respect to the remaining 9 Class I-A frequencies (650, 660, 700, 820, 840, 870, 1040, 1160 and 1200 kc), final decision is deferred as to whether higher power for the Class I-A stations assigned thereto should be authorized, <sup>17/</sup> or whether additional full time stations should be assigned to the frequencies or whether a combination of higher power and duplication should be employed respecting these frequencies (Pars. 24, 25, 29-33 and 63). <sup>18/</sup>

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<sup>16/</sup> Although 640 and 830 are included among the 12 Class I-A frequencies concerning which the Commission has apparently deferred final judgment on the question of higher power for the Class I-A stations assigned thereto (Pars. 18-21), it would appear that higher power for KFI and WCCO is foreclosed in view of the contemplated action of authorizing WOI and WNYC to operate during nighttime hours on 640 and 830 kc which would "at least limit and at worst frustrate the possibility \* \* \*" of higher power for KFI and WCCO (Par. 18).

<sup>17/</sup> Yet, the Commission concluded "there is insufficient basis before us for finding that the public interest would be served by authorizing higher power \* \* \* " (Par. 20).

<sup>18/</sup> Until September 1, 1964 (or an earlier date, if so announced), applications to operate for the first time at any particular location on any non-Class I-A frequency 30 kc or less removed from any of these 9 Class I-A frequencies will not be granted (Rule 1.351 (b) (2) ). Any application by stations now operating on any of these frequencies to increase power or hours of operation will be placed in the pending file if it appears that a grant of the application would "risk prejudice" to possible future uses of the pertinent Class I-A frequencies (e. g., higher power, duplication, etc.) (Rule 1.351 (b) (3) ).

III. Errors Contained in September 14, 1961, Report and Order.

A. Failure to Recognize Precise Nature of Basic Question.

12. Paragraph 1 of the September 14, 1961, Report and Order erroneously states that the instant proceeding was commenced on February 20, 1945, "largely as a result of insistent claims that the clear channel concept \* \* \* is wasteful of valuable spectrum space and otherwise not in the best interests of efficient utilization of the frequencies involved." The record fact is that the Commission's February 20, 1945, Press Release and the February 20, 1945, Designation Order accompanying it both make it clear that the Commission initiated this proceeding, on its own motion, in an attempt to find a solution to the long standing problem of improving the technical quality of standard broadcast (AM) service provided to the millions of persons who reside in "white areas," i. e., areas which do not receive a single satisfactory (in terms of reception) primary (groundwave) signal.<sup>19/</sup> Paragraph 2 correctly recognizes that the Commission's primary objective in allocating AM frequencies is to provide "some service of satisfactory signal strength to all areas of the country."

13. Although all areas of the country presently receive "some service of satisfactory signal strength" during daytime hours,

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<sup>19/</sup> Inseparably involved is the problem of providing second, third and fourth satisfactory signals to residents of areas receiving but 1 (gray), 2 or 3 primary (groundwave) signals.

it is beyond dispute that the record in this proceeding (as well as all other information available to the Commission) supports the premise of the February 20, 1945, Notice that large areas and populations do not receive any adequate nighttime broadcast service. As the Commission itself concluded in its September 22, 1959, Third Notice, 57.99% of the total land area of the continental United States, in which reside some 25.6 million people, did not receive a single satisfactory nighttime primary signal as of January of 1957. The additional fulltime stations assigned since that date have not affected in any substantial way the above-noted white area statistics.<sup>20/</sup> Accordingly, there is no basis for the assertion in Par. 6 of the September 14, 1961, Report and Order that "perhaps as many as" 25 million people within the continental United States "are estimated to be outside the range of usable nighttime groundwave service." Paragraph 6 (as well as other portions of the September 14, 1961, Report and Order)<sup>21/</sup> ignores the fact that although the bulk of the white area (74.8%) lies west of the Mississippi River, the bulk of the white area population (71.3%) lives east thereof (Par. 10 of Third Report).

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<sup>20/</sup> This is shown by the fact that the addition of some 536 fulltime stations between May 4, 1947, and January of 1957 reduced the white area insignificantly (60.59% to 57.99%). (Third Notice, Par. 10). During the same period the white area population increased from some 23.2 million to some 25.6 million. As the Commission recognized in Par. 13 of the September 14, 1961, Report and Order, the white area population has probably increased since January 1, 1957.

<sup>21/</sup> E. g. Pars. 36 and 83.

14. Paragraph 1 of the September 14, 1961 Report and Order states with imprecision that the action taken respecting the 25 Class I-A frequencies was designed to "improve service" in the "most practicable manner" in the standard broadcast band. As shown above, the basic question to be resolved in this proceeding is the most practicable method of improving service to the numerous white area populations in the East and in the West. The Report and Order is correct in the assumption<sup>22/</sup> that the clear channel frequencies afford the only possible means of improving service to white area populations. However, the Report and Order erroneously assumes that service to white area populations can be improved significantly by the creation of new nighttime primary service by new fulltime stations operating on Class I-A frequencies.<sup>23/</sup> This assumption is contrary to all of the evidence of record. The record overwhelmingly supports the conclusion reached by the Commission in Paragraph 41 of its April 15, 1958, Further Notice that "improvement of nighttime service throughout most of the existing white areas must be provided, if at all, by new or improved skywave service" (emphasis added).

15. Thus, the September 14, 1961, Report and Order erroneously fails to recognize that the precise basic question to be

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<sup>22/</sup> E. g. Par. 7.

<sup>23/</sup> E. g., Pars. 22, 34, 41, 44, 46, 54, 55, 61, 64, 81, 85a, 94, 97, 98 & 101.



resolved in this proceeding is the best practicable method of improving service to white area populations which, if to be done in any significant degree, must be done by creating new or improved skywave service. Of course, any improvement of nighttime groundwave service to white area populations is desirable, provided it is not created at the expense of prohibiting new or improved nighttime skywave service to white area populations.

B. Failure to Improve Service to White Area Populations

16. Although the September 14, 1961 Report and Order states that the action taken was designed to "improve service" to white areas, <sup>24/</sup> the fact is that the action taken will not result in any significant improvement of service to white area populations and will forever bar any significant improvement through the use of higher power on the Class I-A frequencies duplicated.

17. Initially, it may be noted that the proposed duplication of 13 Class I-A frequencies is obviously an inadequate attempt to improve service to white area populations in view of the facts that (1) it will degrade rather than improve existing nighttime skywave service, (2) it will not create any new nighttime skywave service, and (3) the only new service created will be nighttime groundwave service. <sup>25/</sup>

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<sup>24/</sup> See footnote 23; supra.

<sup>25/</sup> As shown above in Par. 14 hereof, the Commission has previously correctly concluded that nighttime groundwave service cannot be provided to any significant portion of the white areas.

18. To portray graphically the known fact that creation of new groundwave service will not significantly improve nighttime service to white area populations, CCBS has retained Andrew D. Ring and Associates, Consulting Engineers, to analyze the improvement of service which would result if the 13 Class I-A frequencies were to be duplicated as set forth in Rules 3.22 and 3.25(a)(1)-(3). <sup>26/</sup>

19. The Report and Order recognizes that the new Class II stations authorized to operate on 750 and 760 kc will not improve service to white area populations (Par. 35). As shown in the Engineering Statement of Howard T. Head, which is hereto attached and made a part hereof, the 11 new Class II-A stations operating on the pertinent 11 Class I-A frequencies would provide no nighttime skywave service at all and could be expected to provide interference-free nighttime groundwave service to existing white areas and white area populations consisting of 41,582 square miles and only 234,575 people respectively, or 2.41% of the existing 1,725,095 square miles of white area and 0.916% of the existing white area population of 25.6 million people. The specific details are as follows: <sup>27/</sup>

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<sup>26/</sup> It appears that 890 kc was inadvertently omitted in Par. 34 of the Report and Order.

<sup>27/</sup> All figures relate to nighttime interference-free groundwave service. Assumptions used are set forth in attached Engineering Statement of Howard T. Head.

<u>Freq.(kc) &amp; Location</u>	<u>White Area<sup>28/</sup> Served</u>	<u>White Area Population Served</u>
1. 670, Gooding, Idaho	4, 121	21, 026
2. 720, Hawthorne, Nevada	2, 964	8, 644
3. 780, Fallon, Nevada	2, 482	7, 554
4. 880, Holdredge, Nebraska	10, 060	89, 063
5. 890, Beaver, Utah	5, 230	8, 469
6. 1020, Lovington, New Mexico	2, 964	18, 304
7. 1030, Lusk, Wyoming	3, 832	9, 775
8. 1100, Springfield, Colorado	2, 169	4, 064
9. 1120, Oakridge, Oregon	1, 277	15, 944
10. 1180, Hamilton, Montana	1, 301	6, 731
11. 1210, Pratt, Kansas	<u>5, 182</u>	<u>45, 001</u>
Totals	41, 582	234, 575

20. It is thus abundantly clear that the proposed duplication of 13 Class I-A frequencies will provide no significant improvement of nighttime service to white area populations. As Comissioner Lee correctly stated in his dissent, the 11 new Class II-A stations, if constructed, "can be expected to render nighttime primary service to but scant populations." It should also be noted that the 11 new Class II-A stations would not provide nighttime service to a single one of the white area

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28/ Square Miles.

population of 18.27 million residing east of the Mississippi River and would serve only 3.115% of the 7.35 million white area population residing west of the Mississippi River.

21. The foregoing facts demonstrate conclusively that the purported solution of the white area problem set forth in the September 14, 1961 Report and Order is not a solution at all. For this reason alone, the Commission should reconsider and set aside the Report and Order and issue a modified Report and Order taking action which would improve nighttime service to white area populations. As shown below in Part III D hereof, the only realistic way in which service can be significantly improved is through the authorization of operating power in the order of 750 kw for each of the Class I-A stations assigned to the existing 25 Class I-A frequencies.

C. Failure to Afford Required Adjudicatory Modification Hearings

22. The September 14, 1961 Report and Order modifies the licenses of the Class I-A stations assigned to the 13 Class I-A frequencies<sup>29/</sup> on which additional fulltime Class II stations are authorized to operate (Rules 3.22 and 3.25(a) (1)-(3)). Adjudicatory hearings required by Section 316 of the Communications Act have not been held.

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<sup>29/</sup> WMAQ (670), WGN (720), WSB (750), WJR (760), WBBM (780), WCBS (880), WLS (890), KDKA (1020), WBZ (1030), KYW (1100), KMOX (1120), WHAM (1180), and WCAU (1210).

Should the Commission resolve, contrary to the record evidence, that the Rules should be amended so as to authorize additional full-time stations on these 13 Class I-A frequencies, no such full-time stations may be assigned to any such frequency without first affording the Class I-A stations concerned a section 316 adjudicatory hearing. As shown in the attached Engineering Statement of Howard T. Head, the Class I-A stations authorized to operate on the 13 Class I-A frequencies would destroy vast portions of the nighttime skywave service beyond the 0.5 mv/m 50% skywave contour now provided by the Class I-A stations, which service is now protected by Rule 3.182(v).<sup>30/</sup>

23. It is respectfully submitted that upon reconsideration of the September 14, 1961 Report and Order, it should be recognized that the primary objective of the proceeding is to improve nighttime service to white area populations, that such improvement can be made only by improving the nighttime skywave service now afforded to such populations and that existing skywave service should be extended and improved rather than curtailed. However, if upon reconsideration it is decided to degrade rather than improve existing nighttime skywave service by the assignment of new fulltime stations on Class I-A frequencies, and the Class I-A frequencies so duplicated include any of those to which CCBS member

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<sup>30/</sup> Also, as shown in the attached Engineering Statement of Howard T. Head, a serious question is raised as to whether protection will in fact be afforded to the 0.5 mv/m 50% skywave contour because of the D. A. suppression ratios.

stations are assigned, such CCBS members hereby assert their rights to a Section 316 adjudicatory hearing before such duplications are finalized. In connection therewith, the individual petitions for rehearing filed simultaneously hereby by CCBS member stations WGN, WSB, WJR, and WHAM are hereby incorporated herein and made a part hereof. <sup>31/</sup>

D. Failure to Resolve Higher Power Question

(1) 5 kw was "super power" in 1924

24. At the Third National Radio Conference held in 1924, the question was debated as to whether the then maximum power limitation should be increased from 1 kw to 5 kw. Those opposing the requested increase in power referred to 5 kw as "super power." In spite of the objections raised, the Conference correctly concluded as follows:

"It has been conclusively demonstrated by experimental work during the past year that only by the use of higher power can static and other kinds of interference be overcome, and that some general increase over the 1,000 watt limitation now imposed is therefore desirable."

25. The Department of Commerce accepted the above-noted recommendation and announced that "licenses for use in broadcasting of power to 5,000 watts on a purely experimental basis will be issued." <sup>32/</sup>

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<sup>31/</sup> Likewise incorporated herein and made a part hereof is the individual petition for rehearing filed simultaneously herewith by CCBS member KFI which shows the invalidity of Note 1 to Rule 3.25(a).

<sup>32/</sup> Radio Service Bulletin 92, Dec. 1, 1924, Page 11.

By the time of the Fourth Radio Conference held in 1925, experimentation with 50 kw power was being carried out with the approval of the Department of Commerce. The actual experience with "super power" led Secretary of Commerce Herbert Hoover to state as follows:

"A year ago we were fearful of the effect of greater power. We were told by some that the use of anything more than 1000 watts would mean excessive blanketing, the blotting out of smaller competitors, the creation of large areas into which no other signals could enter. Some of the most pessimistic even warned us that our tubes would explode under the impact of this tremendous force. But our experience so far leads to the opinion that high power is not only harmless in these respects but advantageous. Power increase has meant a general rise in broadcasting efficiency; it has meant clear reception; it has helped greatly to overcome static and other difficulties inherent in summer broadcasting, so as to give us improved all-year service. Whatever the limit may be, I believe that substantial power increase has come to stay, and the public is the gainer from it."

(2) 50 kw Experimentation, 1928-1930

26. Following the chaos of 1926, when rural reception was completely obliterated because of co-channel interference which eliminated skywave service, and the creation of the Federal Radio Commission in 1927, the November 11, 1928 allocation was promulgated which established 40 frequencies on which only one station was authorized to operate at night. The amount of power to be used by the stations on these 40 frequencies was determined by General Order 42 dated September 7, 1928 which imposed a maximum power ceiling of 25 kw but provided that power

of 50 kw could be authorized on an experimental basis for the next license period.

27. By 1929 most of the clear channel stations were using 5 kw but a few were operating with 50 kw. In the spring and summer of 1929 the Commission conducted surveys to ascertain the extent to which the November 11, 1928 allocation had resulted in improved service to rural areas. The results showed that over the greater part of the country, in terms of area, listeners relied on clear channel stations for broadcasting service. Reports received from the Department of Commerce Supervisors were to the same effect. For example, the Radio Supervisor at Detroit reported:

"The use of high power on clear channels is the only factor at this time which makes possible any degree of good radio reception to the rural broadcast listener. It would be of far greater benefit to the radio industry and to the public if the number of cleared channels were increased to provide still more diversified reception. \* \* \* When it is remembered that most broadcast listeners, especially those in the country, rely on their radio set entirely for weather reports, time signals, news, education, information and entertainment, it will be appreciated that they should have the best receiving conditions which it is possible from an engineering point of view to furnish, and to impair their reception by abandoning the use of cleared channels is very comparable to placing their radio service on a 1920 basis when it was a plaything and not a public necessity."

28. In the fall of 1929 the proposals of the United States Government at the Hague Conference included the following statement:



"Power should not be limited on any broadcast channel occupied by a single station. The use of increased power on these channels, if stations are properly located with respect to populous areas, will give improved service to listeners. Experiments with increased power will make it possible to determine the optimum power which it is desirable to use for this class of service." <sup>33/</sup>

(3) 1930 50 kw Hearing

29. On June 16, 1930 General Order 42 was amended so as to provide that 50 kw power could be used on not more than 20 of the 40 clear channel frequencies (4 of 8 in each of the five zones). At the time, ten 50 kw stations were operating and five were under construction. Following a hearing, 20 stations were authorized to use 50 kw and the remaining 20 were confined to 25 kw. Even the 20 stations authorized to use 50 kw were licensed on a regular basis for only 25 kw, the additional 25 kw having been licensed on an experimental basis.

(4) 50 kw Maximum Established in 1933

30. Effective October 3, 1933, the Federal Radio Commission's Rules were amended so as to authorize all 40 clear channel stations (rather than just 20) to use power of 50 kw. Nearly all of the clear channel stations operated with power of 50 kw "with a vast improvement in service to the listening public in both urban and rural areas, an increase in the

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<sup>33/</sup> Jolliffe, R. 76; Report of the Delegation of the United States of America, International Technical Consulting Committee on Radio Communication, First Meeting, The Hague, September 18-October 2, 1929, p. 261.

rural areas provided with services and no substantial complaint based either on interference or economic considerations."<sup>34/</sup> The October 3, 1933 allocation was continued in effect by virtue of Section 604(a) of the Communications Act of 1934. No change has ever been made with respect to the maximum power ceiling of 50 kw for Class I-A stations although WLW operated on an experimental basis with power of 500 kw from April 17, 1934 until May 15, 1939 and the question of removing the power ceiling has been explored extensively in hearings held in 1936 (Docket 4063), 1938 (Docket 5072-A) as well as in the instant hearing (Docket 6741).

(5) 1936 Decision on Higher Power of 500 kw

31. Following the 1936 hearing, the Commission's Engineering Department issued a preliminary engineering report on January 11, 1937 which stated as follows on page 8 concerning higher power:<sup>35/</sup>

"While we believe that powers in excess of 50 kw on clear channels are technically sound and are in accord with scientific progress, we recognize that social and economic factors involved in the use of 500 kw may outweigh in importance engineering considerations, and request instructions from the Division as to its desires with respect to regulations on the question of super-power. We feel that, in the matter of super-power, the Commission should give

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<sup>34/</sup> Statement of Edwin W. Craig, October 5, 1936, Clear Channel Hearing.

<sup>35/</sup> While 5 kw was "super power" in 1924, the term was applied to 500 kw in 1937. Today it is applied to 750 kw.

full consideration to our report summarizing the economic testimony in the October 5 hearing prior to making a decision.

"We feel that there is a need for increased signal intensity and have recommended that in general power increases are required to better the service to the public. However, we recommend that the regulations in this respect be sufficiently flexible to permit the Commission to judge each individual case upon its merits, particularly as to the needs and economic and social circumstances."

32. In support of the above-noted conclusions, it was stated as follows on pages 23 and 24:

"In general, the trend of all engineering testimony was toward higher power for all classes of stations. It was clearly indicated that in general the existing empirical standards of the Engineering Department with reference to signal intensities required for good service should be used as a minimum and that in many instances there is needed a higher order of signal intensity to overcome the noise level in cities and the noise level in rural areas, particularly during the summer and in the southern sections of the country.

"The only way to secure increased signal intensity is by increase in radiated power."

\* \* \* \* \*

"The greatest controversy and difference of opinion existed with respect to power greater than 50 kw. However, with but one exception, all engineers who testified admitted that where side channel interference was not a factor, powers on clear channels in excess of 50 kw would be a technical advance and would result in an increased signal intensity to remote areas. It is also clear to the Engineering Department that from a technical standpoint any power less than 50 kw on a clear channel is a wasteful use of such frequency on the North American Continent."

33. On July 1, 1937 the Engineering Department submitted its "Report on Social and Economic Data" which stated as follows on page 120 respecting higher power: <sup>36/</sup>

" \* \* \* we feel that no one should fear technical progress, and therefore we see no logical reason for an arbitrary defensive regulation which would prevent the future use of power in excess of 50 kw in the event that evidence and data should show conclusively that such power in certain individual cases is in the interest of the public. It should be noted that in this connection other nations on this continent have licensed stations to use powers greatly in excess of 50 kw and sight should not be lost of this fact from either a technical or economic standpoint. "

34. The Commission, upon consideration of the above-noted reports and the evidence of record promulgated proposed rules which were made the subject of a hearing set for June 6, 1938. The proposed rules limited power of Class I-A stations to 50 kw.

(6) 1938 Decision on Higher Power of 500 kw

35. The 1938 Clear Channel hearing was held before a Committee of three Commissioners. <sup>37/</sup> The Clear Channel Group (the forerunner of CCBS) urged, as it had in the 1936 hearings, that the power

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<sup>36/</sup> Page 121 of the Report recommended that the Commission "consider each individual application [for higher power] on the basis of the evidence presented. "

<sup>37/</sup> While the 1938 hearing was being held, the 1938 Senate Resolution was adopted on June 13, 1938 (S. Res. 294, 83 Cong. Rec. 8944). As shown herein, this resolution did not amend the Communications Act of 1934 which authorized the Commission to determine the operating power for broadcast stations and its effect, if any, died with that session of Congress.

ceiling of 50 kw should be removed. The Committee's Report stated as follows concerning the use of higher power (Part I):

"The evidence shows conclusively that, from a technical standpoint, the use of power in excess of 50 kw has a distinct advantage because it provides better quality service to the vast population residing in rural areas and in towns which neither have broadcasting stations of their own nor are located within the primary service areas of any station. The public residing under these circumstances must now rely for their only program service upon distant clear channel stations having not more than 50 kw power. Therefore, from a technical standpoint, it is safe to conclude that the higher signal intensities produced by greater kilowatt power, with the consequent improvement in technical service, tends to equalize the quality of service rendered to the population in rural areas as compared to the service rendered the population in urban communities more fortunately equipped with broadcast transmission facilities of their own.

"The evidence indicates that there would be no difficulty in securing economic support for the operation of 500 kw stations in the principal markets of the country. However, there is doubt as to whether the necessary number of competitive 500 kw stations could be supported economically in the sections of the country where the need for improvement in signal intensity in rural areas is the greatest. "

36. However, the report went on to state:

"The evidence to date is far too meager to warrant this Commission's advocating super power as the only means of improving service to the rural listeners of the nation . . . At a latter date the subject of super power may be reopened and decided more positively upon the basis of more accurate evidence and experience than is available at present. "

(7) 1961 Decision on Higher Power of 750 kw

37. The question of power in excess of 50 kw was again explored in the instant proceeding which commenced in 1945. The September 14, 1961 Report and Order is somewhat confusing with respect to the disposition of the argument advanced by CCBS that all Class I-A stations should be authorized to operate with power of 750 kw in order to improve nighttime service to white area populations. At several points the Report and Order seems to say that a final decision on the question of removing the power ceiling of 50 kw for Class I-A stations will be deferred until some unspecified date in the future:

- a. Par. 18 states "Whether the public interest would be served by authorization of higher power, \* \* \* we do not now decide."
- b. Par. 20 states "the question warrants further consideration in the light of \* \* \* the future results flowing from the duplication of 13 Class I-A frequencies."
- c. Par. 21 states "We thus leave open and unprejudiced the question of \* \* \* changing the rules affecting the use of the 12 Class I-A channels now left in status quo."
- d. Par. 25 states "While we do not reach a decision either for or against the use of higher power \* \* \* ."

38. On the other hand, it appears that the Commission has decided affirmatively that higher power should not be authorized:

a. Par. 20 states " \* \* \* we conclude that there is insufficient basis before us for a finding that the public interest would be served by authorizing higher power \* \* \* ." This statement presumably applies to all 25 Class I-A frequencies.

b. Par. 18 states that assignment of additional full-time stations on Class I-A frequencies would "at least limit and at worst frustrate the future possibilities of \* \* \* " higher power on these frequencies. Thus the proposal to duplicate 13 Class I-A frequencies appears to be a determination to foreclose authorization of higher power on these frequencies.<sup>37a/</sup> Likewise, higher power on 3 of the 12 Class I-A frequencies left in "status quo" appears to be foreclosed because of the contemplated nighttime operations on 640, 770 and 830 kc.

(8) The Question of Higher Power Should be Resolved.

39. Upon reconsideration, the Commission should modify its September 14, 1961 Report and Order so as to state with clarity the precise nature of its decision with respect to the question of higher power.

40. With respect thereto, it is respectfully submitted that no valid grounds exist for deferring a decision on the question of higher power. As shown above, the question was the subject of intensive hearings in 1936 and 1938 and a decision was deferred at that time on the basis that the evidence was "too meager to warrant" advocating higher power "as the only means of improving service to the rural listeners

of the nation." This ground is no longer valid today inasmuch as the evidence set forth in the record shows conclusively that higher power and the retention of Class I-A frequencies is the only realistic means of improving nighttime service to white area populations. As shown in Part III B hereof, the proposal to duplicate certain of the Class I-A frequencies will not result in any significant improvement of service to white area populations. In fact, the proposed duplication will be an absolute bar to using the frequencies concerned so as to improve service effectively by means of higher power. As shown in the attached Engineering Statement of Howard T. Head, the 11 new Class II-A stations and the two Class II-B stations on 750 and 760 kc would destroy existing nighttime skywave service, would create no new nighttime skywave service, and would provide a first nighttime primary service to only some 234,575 people or only 0.916% of the total white area population of 25.6 million. On the other hand, if these stations were not authorized and the Class I-A stations on the 13 frequencies were authorized to operate with 750 kw, under the assumptions set forth in the attached Engineering Statement of Howard T. Head a first nighttime primary service would be provided to some 1.8 million people and nighttime skywave service afforded to all of the white area population would be improved substantially (See Table III of Engineering Statement of Howard T. Head). As CCBS has maintained from the outset of the proceeding, all Class I-A stations should be authorized



to operate with power of 750 kw, and if possible, some I-B frequencies should be converted to I-A status. Because of time zone differences and the fact that one station cannot serve the entire country (DeWitt, R. 4946), it is necessary to divide the country into five regions and authorize stations in each region to operate with power of 750 kw if nighttime sky-wave service is to be improved in all white areas. If a minimum of 4 signals in each region is to be afforded, at least 4 Class I-A stations in each of the five regions must be authorized to operate with power of 750 kw. The CCBS 20 station plan,<sup>38/</sup> which would achieve this result, is not even discussed in the September 14, 1961 Report and Order. Although a specific request was made by the then Chairman of the Commission for the parties to come forward with specific plans designed to improve service to white areas (Chairman Denny, R. 1827 and 3922), CCBS was the sole party to present such a plan. Although the parties included advocates of duplication, no such party submitted any plan looking toward an improvement of service to white areas.

41. Thus, the need recited in 1938 to secure additional evidence as to means other than higher power for improving service to white areas is not a valid reason for deferring at this time a decision on the question

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<sup>38/</sup> See pages 39ff of CCBS Brief filed herein on January 12, 1948.

of higher power. What other reason does exist for deferring a decision on the higher power question? Par. 20 says there is "insufficient basis" for finding that the public interest would be served by authorizing higher power. However, no attempt is made to support the conclusion with valid reasons. As shown above, the record shows that only through higher power can any real improvement to service to white areas be made. If there are valid reasons for deferring a decision on higher power, then a decision on duplicating Class I-A frequencies should likewise be deferred as the two methods are mutually exclusive.<sup>39/</sup> Par. 21 infers that "additional light" may be provided by the experience gained as a result of the duplication of the 13 Class I-A frequencies. However, no clue is given as to what "additional light" is needed or expected. The effects of duplicating all but 25 of the original 40 Class I-A frequencies are well known. These duplications have led to more service to well-served city areas at the expense of degrading service to underserved rural and remote areas (See Exhibits 1 and 2 of CCBS Comments filed August 15, 1958). The duplication of the additional 13 Class I-A frequencies will at best provide a first nighttime primary service to but a handful of the white area populations. There is every reason to believe, in the light of past

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<sup>39/</sup> Should higher power be authorized, it may prove feasible to duplicate under controlled conditions. However, duplication at 50 kw will prohibit forever any possibility of higher power.

history, that the Class II-A stations authorized on the 13 frequencies will be moved in the future to centers of population and that additional full-time assignments on the 13 frequencies will be made, with the result that the white area population will be increased rather than decreased. It is thus difficult to see any valid basis for deferring a decision on the higher power question because of the alleged "additional light" to be gained under the duplication of 13 Class I-A frequencies. Par. 21 infers that changes have occurred since the evidence in the record was first adduced which dictate a deferral of a decision on the question of higher power. Again, no supporting reasons are given. Actually, the basic facts concerning the existence of vast white areas and populations and the use of higher power to improve service thereto have not changed in any material way since the 1936 Clear Channel hearings.

42. For all of the above reasons, the Commission should either resolve the higher power question so as to authorize 750 kw for all Class I-A stations or defer a final decision with respect to duplication as well as higher power.

E. Failure to Accord Due Recognition to National Defense and Military Needs

43. The mere fact that some 25.6 million people do not receive a single satisfactory nighttime groundwave service and must rely on sky-wave service for their only nighttime broadcast service points up the

fact that it is of crucial importance from a national defense aspect to preserve and improve nighttime skywave service. What other instantaneous means exist for conveying information to these people during a state of emergency?

44. Although the system is classified, CCBS has been authorized by the U. S. Air Force to state that CCBS is cooperating with the U. S. Air Force in establishing emergency back-up communications. As rapidly as possible, the Air Force desires to operate 60 wpm teletype circuits using the carrier of certain broadcast stations. The stations used will be selected on the basis of their ability to guarantee completely reliable communication. The degree of reliability will hinge upon whether there is interference from other broadcast stations where the signals of such stations can interfere with the path of the Air Force circuits.

45. It seems obvious that the duplication of 13 Class I-A frequencies, which will curtail rather than improve the skywave service provided by the Class I-A stations assigned to these frequencies, will have a serious adverse impact on the usefulness of these frequencies for national defense and military emergency communications. Yet, this factor, although known to the Commission, is not even discussed in the September 14, 1961 Report and Order except for a footnote reference on page 19 that "We recognize the importance of clear channel service to national defense communications and in emergencies \* \* \* ."

F. Failure to Recognize Threat of Foreign Duplications

46. If a decision on higher power is deferred, if the 13 Class I-A frequencies are duplicated domestically in the manner set forth in Rule 3.22(a) and if 640, 770 and 830 kc are duplicated as indicated in Notes 1, 2 and 3 to Rule 3.25, it is certain that at the next North American Regional Broadcasting Conference neighboring countries will press demands to assign additional full-time stations on the 25 U.S. Class I-A frequencies. When the 1941 NARBA Agreement was first negotiated in 1937, all foreign countries agreed to assign no nighttime stations on U.S. Class I-A frequencies within 650 miles of the nearest U.S. border. At that time, higher power was being considered for U.S. Class I-A stations. Since that time, the following foreign assignments have been authorized within 650 miles of the nearest U.S. border:

a. 1941 Engineering Conference

660 kc (Mexico)

830 kc (Mexico)

b. Interim Agreement of 1946<sup>40/</sup>

640 kc (Cuba)

670 kc (Cuba)

830 kc (Cuba)

890 kc (Cuba)

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<sup>40/</sup> The U.S. I-A stations were not required, as in the 1951 Agreement, to restrict radiation toward the Cuban stations. Cuba never implemented the 670 and 890 kc assignments.

## c. 1951 NARBA Agreement

640 kc (Cuba)  
660 kc (Cuba)  
670 kc (Cuba)  
760 kc (Cuba)  
780 kc (Cuba)  
820 kc (Dominican Republic)  
830 kc (Cuba)  
880 kc (Jamaica)  
1030 kc (Cuba)  
1180 kc (Jamaica)

## d. 1957 Mexican-U. S. Agreement

660 kc (Mexico)  
760 kc (Mexico)  
830 kc (Mexico)  
1030 kc (Mexico)

47. Thus, past history demonstrates that if we further degrade our own Class I-A frequencies by assigning additional full-time stations and if we retain our power ceiling of 50 kw, we will invite demands, which will be difficult to resist, for additional full-time foreign assignments on our 25 Class I-A frequencies. This serious threat to our natural resources is not considered in the September 14, 1961 Report and Order which confines itself to a reference to the fact that the existing Agreements provide international protection to Class I-A frequencies regardless of the number of full-time stations assigned thereto. Thought must be given as well to the inevitable day when the existing treaties will have to be renegotiated.

G. Failure to Delineate Rational Reasons for Selecting the Class I-A Frequencies to be Duplicated.

48. As Commissioner Lee correctly stated in his dissent, "The majority's method of determining which [ I-A ] channel is to be duplicated and which channel is to remain in status quo for further consideration is strained." In fact, no rational basis is set forth. This is demonstrated by the fact that the action taken does nothing to solve in any significant way the white area problem and leaves free of domestic duplication only 9 Class I-A frequencies (650, 660, 700, 820, 840, 870, 1040, 1160 and 1200 kc), one of which is duplicated in Alaska (660 kc). As shown above, a minimum of twenty 750 kw stations is required to provide a choice of four signals to all regions of the United States.

49. No duplication of any Class I-A frequency can be justified unless it is demonstrated that such action will improve service to white area populations to a higher degree than any other possible action. Here, no such showing has been made with respect to the 16 Class I-A frequencies <sup>41/</sup> selected for domestic duplication. As shown above, higher power will improve service to white area populations to a much higher degree than will duplication.

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<sup>41/</sup> The 13 plus 640, 770 and 830 kc.

H. Failure to Recognize Lack of Effect of 1938 Senate Resolution

50. Par. 19 of the September 14, 1961 Report and Order states that at earlier stages of this proceeding, strong objection to the authorization of higher power was expressed by Congress and reference is made to Senate Resolution 294, 75th Congress. It is respectfully submitted that the statement is erroneous in the following particulars:

a. Since this proceeding was instituted in 1945, Congress has expressed no opinion on the question of higher power except the express refusal in 1948 and 1949 <sup>42/</sup> to amend the Act so as to prohibit higher power. <sup>43/</sup>

b. The 1938 Senate Resolution pre-dated the earliest stages of this proceeding.

c. The 1938 Senate Resolution was not an expression by Congress and was in fact only an expression by the Senators who happened

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<sup>42/</sup> E. g., see S. 2231, 80th Congress on which hearings were held in April of 1948.

<sup>43/</sup> On Sept. 6, 1961, the House Committee on Interstate and Foreign Commerce adopted a motion directing the Chairman to request the Commission to defer final action on Docket 6741 until the Committee had an opportunity to hold hearings on and consider the merits of pending legislation which would prohibit any further breakdown of the 25 Class I-A frequencies and compel the Commission to grant higher power to any Class I-A station proving that increased power would improve significantly nighttime skywave service to white areas. (Broadcasting Magazine, issue of Sept. 18, 1961, at page 36).



to be on the Senate floor when the resolution was offered. One of the Senators on the floor at the time the resolution was offered commented, "We have had no time to consider; no one has ever seen the resolution except, perhaps, the Senator from Montana" (83 Cong. Rec. 8944).

51. Accordingly, it is not accurate to refer to the 1938 Senate Resolution as constituting the "policy of Congress." It is clear as stated by Senator Capehart on the Senate floor on July 20, 1961, "that the resolution passed by the Senate in 1938 (S. Res. 294) did not amend the basic law [which authorizes the Commission to grant higher power as do existing pertinent treaties], died with that session of Congress and is in no way a bar to the authorization of higher power by the FCC." The 1938 Resolution merely expressed the personal views of the Senators who voted for its passage (The Diamond Rings, 183 U.S. 176 at page 184, 1901).

52. That the 1938 Resolution is not a bar to the authorization of higher power should be specifically acknowledged by the Commission.

#### I. Failure to Resolve Issue 9

53. As already noted, the Further Notice released herein on April 15, 1958 concluded that the listener surveys contained in the record were "too outdated to provide a sound basis for judgment" respecting Issue 9 which posed the question as to "whether and to what extent the clear channel stations render a program service particularly suited to the needs of listeners in rural areas."

54. In its Comments filed herein on August 15, 1958, CCBS stated as follows (Pars. 67-69):

"It is respectfully submitted that the fact that listener surveys set forth in the record are outdated does not lead to the conclusion that the record is too outdated to provide a sound basis for resolving the basic issue posed in this proceeding -- namely, how to improve service to the vast underserved areas and populations. This problem must be solved regardless of the content of the programs carried over the signals which must be improved from a reception viewpoint. The Commission must first lay the 'tracks for good reception.' After this is accomplished, the Commission may then concern itself, if it is shown to be necessary, 44/\* \* \* with the program content carried by the signals.

\* \* \* Apart from the legal question as to whether the Commission has authority to consider program content and apart from the issue whether Issue 9 is in fact relevant to the basic question presented in this proceeding, it is respectfully submitted that no changes which have occurred since the closing of the record vitiate the evidence contained in the record which shows that clear channel stations do in fact render a program service particularly suited to the needs of listeners in rural areas.

\* \* \* To demonstrate this fact, current program information with respect to each member of CCBS is submitted herewith in the attached exhibits 18 through 30. These exhibits demonstrate that clear channel stations are currently meeting the general and particular needs of listeners in rural areas."

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44/ In this connection, it is noted that the Commission's legal right to enter the field of program content was challenged earlier in this proceeding by CCBS (R. 56).

55. In the September 14, 1961 Report and Order, no reference is made to the above-noted assertions of CCBS. It is respectfully submitted that upon reconsideration the Commission should adopt these assertions and resolve Issue 9 in accordance therewith.

J. Failure to Resolve Issue 10

56. Issue 10 of the Commission's February 28, 1945 Hearing Notice relates to the duplication of network programs. This issue was the subject of elaborate presentations made by CCBS and NBC and certain other parties to the proceeding. In the Commission's April 15, 1958 Further Notice, it was stated that the information contained in the record concerning this issue "is too outdated to provide a sound basis for judgment at this time."

57. It is respectfully submitted that upon reconsideration of the September 14, 1961 Report and Order, which fails to mention Issue 10, the Commission should conclude that Issue 10 is irrelevant to the basic considerations involved in this proceeding. Regardless of the extent of duplication of network program services which may have existed prior to 1948 and regardless of the extent of duplication which exists today, the fact remains that vast areas and populations of the United States are presently without adequate broadcast service and that the public interest requires that broadcast service be improved to the extent that it is technically feasible to do so. Due to the nature of the geographical distribution of the population in this country, it is obvious

that there must be a certain overlapping of groundwave and skywave signals from all classes of stations. The fact that a certain amount of overlapping of signals is bound to exist constitutes no reason for failing to improve service to the underserved areas and populations. Accordingly, the present state of the record with respect to Issue 10 is such as to provide a sound basis for a resolution of the basic question presented the Commission in this proceeding.

K. Failure to State Valid and Consistent Reasons in Support of Conclusions Reached

58. Although the Commission is not required in a rulemaking proceeding of the type involved herein to rely solely on record evidence, it is required in a final decision to spell out valid reasons in support of the conclusions reached.<sup>45/</sup> Here, the Commission's September 14, 1961 Report and Order is defective in that it is replete with inconsistencies and unsupported conclusions. A partial list of the inconsistencies and unsupported conclusions, some of which are referred to above, are set forth below. Upon reconsideration, the Commission should issue a modified Report and Order which eliminates the inconsistencies contained in the September 14, 1961 Report and Order and sets forth valid reasons in support of the modified conclusions reached.

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<sup>45/</sup> As the Supreme Court stated in Eastern - Central Motor Carriers' Ass'n. v. U. S., 321 U. S. 194 (1944), rule making action must be "formulated . . . with sufficient explication to enable the parties and ourselves to understand, with a fair degree of assurance, why the Commission acts as it does." (321 U. S. at 211-212).

59. There is no support for the conclusionary recitations in Pars. 1 and 13 that this proceeding was instituted "largely as a result of insistent claims that the clear channel concept \* \* \* is wasteful of valuable spectrum space \* \* \*." All record and non-record facts make it clear that the proceeding was commenced on the Commission's own motion with the primary objective of finding a way to improve service to white areas.

60. Par. 2 correctly recites the fact that the primary objective of an AM allocation plan is to provide "some service of satisfactory signal strength to all areas of the country." However, the action here taken is inconsistent in that it fails to achieve this primary objective (see Part III B hereof).

61. Par. 3 correctly admits that the assignment of more than one fulltime station on the same frequency "dilutes the effective range of nighttime skywave propagation to distant rural areas." However, the action here taken is inconsistent in that it authorizes the immediate elimination of skywave service beyond the 0.5 mv/m 50% skywave contours of Class I-A stations operating on a majority of the 25 Class I-A frequencies.

62. Par. 6 correctly states that the 1947 white area was not substantially reduced by a 50% increase in fulltime stations between 1947 and 1957. However, the action here taken is inconsistent in that

it purports to reduce white areas by the creation of 11 new fulltime assignments. <sup>46/</sup>

63. Par. 7 correctly states that improvement of service to white areas "must be sought from existing or newly-assigned stations" operating on clear channels. However, there is no mention of the uncontroverted fact, admitted in Par. 41 of the Further Notice released herein on April 15, 1958, that any significant improvement of nighttime service to white areas must come from improving skywave service as it is impossible to provide a satisfactory nighttime groundwave service to all white areas. The action here taken is inconsistent with this basic fact since it (1) reduces existing skywave service, (2) creates no new skywave service and (3) for all practical purposes prohibits the improvement of existing skywave service through use of higher power on at least 16, if not on all, of the 25 Class I-A frequencies.

64. Par. 11 refers to the opportunity provided in the Third Notice released September 22, 1959, to update the record regarding higher power. However, no disposition is made anywhere in the September 14, 1961 Report and Order of the assertions advanced by the parties in response thereto.

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<sup>46/</sup> The record shows that as of January 1, 1957, the white area population totaled 25.6 million rather than "perhaps as many as 25 million;" the bulk of whom (18.27 million) resided east of the Mississippi River. (Par. 10 of Third Notice released September 22, 1959; see also footnote 3 on page 6 of September 14, 1961 Report and Order).

65. Par. 12 refers to the uncontroverted fact that there is "little prospect of large-scale improvement in primary service." However, the action here taken is inconsistent in that it attempts to improve service to white areas solely through the vehicle of extending primary service.

66. Par. 13 concludes that it is feasible to assign additional fulltime stations on Class I-A frequencies which will provide "needed service" and at the same time preserve the capacity of Class I-A stations to provide service over wide primary and secondary service areas. This conclusion is not supported by any underlying reasons and in fact is inconsistent with the undisputed facts that the contemplated additional fulltime stations will not provide any new nighttime skywave service, will provide a first nighttime primary service to an insignificant portion of the white area population, will curtail existing nighttime skywave service and will prohibit forever any significant improvement of nighttime skywave service on the channels concerned through the use of higher power.

67. Par. 13 correctly acknowledges that the white area population has grown since this proceeding was instituted and will continue to increase in the future in the absence of any action taken to improve service to the white areas. However, the action here taken is inconsistent in that it fails to improve significantly the nighttime service now afforded to white areas.

68. No supporting reasons are given for the conclusion set forth in Par. 14 which infers that the "administrative burden" prohibits authorization of higher power for all Class I-A stations. Obviously, no undue administrative burden would be involved in so resolving the question as to the degree to which existing rules concerning Class I-A frequencies should be amended.

69. The "compelling reasons" referred to in Par. 15 are not delineated anywhere in the September 14, 1961 Report and Order.

70. Par. 16 justifies the duplication of the 13 frequencies set forth in Par. 17 on the alleged ground of "the compelling need to go as far as possible toward reducing \* \* \*" the nighttime white areas. Inconsistently, the duplication of the 13 Class I-A frequencies will not reduce nighttime white areas in any significant degree.

71. Par. 18 correctly states that duplication of Class I-A frequencies frustrates the future possibility of Class I-A stations on these frequencies operating with power in excess of 50 kw. Inconsistently, the action here taken forecloses the possibility of higher power on 16 Class I-A frequencies (the 13 set forth in Par. 17 plus 640, 770 and 830 kc). <sup>47/</sup>

72. Par. 18 states that the question of higher power on the 13 Class I-A frequencies not listed in Par. 17 is left open for future determination (see also Pars. 21 and 25 to this same effect). However,

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<sup>47/</sup> With the possible exception of 750 kc.



Par. 20 is inconsistent in its conclusion "that there is insufficient basis before us for a finding that the public interest would be served by authorizing higher power \* \* \*."

73. Par. 19 inaccurately states that the Congress enunciated a policy in the earlier stages of this proceeding expressing "strong objection to the authorization of higher power." The fact is that Congress has never expressed a policy on the question of higher power other than the enactment of Section 303 (c) of the Communications Act of 1934 which authorizes the Commission to determine the operating power of broadcast stations. The Senate did adopt a resolution in 1938 (prior to the commencement of this proceeding), but this did not constitute an expression of Congressional policy, did not amend the basic law, and died with the 75th Congress.<sup>48/</sup> Inconsistently, the Report and Order makes no mention of the fact that in September of 1961 the House Committee on Interstate and Foreign Commerce (with only one dissenting vote) asked the Commission to defer a final decision in Docket 6741 until a reasonable time after January of 1962 in order to allow time for the House Committee to hold hearings on pending legislation to amend the Communications Act of 1934 so as to prohibit any further breakdown of any of the 25 Class I-A frequencies beyond that authorized as of July 1, 1961 (Broadcasting Magazine, September 18, 1961, page 36).

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<sup>48/</sup> See Part III H hereof.

74. Par. 20 acknowledges that higher power will significantly improve service to white areas, but sets forth the conclusion that the Commission is not persuaded that the objections set forth in the record against the employment of higher power have been sufficiently met. However, the Report and Order is silent as to the nature of the objections and as to the reasons for concluding that the objections have not been overcome by record evidence. It is respectfully submitted that the objections voiced in opposition to higher power are more than overcome by the record evidence for the reasons set forth in the pleadings filed herein by CCBS on January 12, 1948 (Part IV of the Brief), August 18, 1958 (Part IV), and April 1, 1960 (Pars. 58 and 59). For the reasons set forth in Part III D hereof, the Commission should upon reconsideration authorize each of the existing Class I-A stations to operate with power in excess of 50 kw.<sup>49/</sup>

75. Par. 21 fails to specify what "additional light" is needed and what "additional light" is expected to be gained in the future. Also, there is no specification of the "circumstances which have changed markedly" or of what effect the unspecified changes have on a resolution of the basic issue of improving service to white areas. It is respectfully

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<sup>49/</sup> Exhibit 32 of the CCBS Comments filed herein on August 15, 1958, lists the numerous foreign broadcast stations authorized to operate with power in excess of 50 kw.

submitted that in view of the fact the Commission has been exploring the white area problem since 1936 and in view of the fact that all but 25 of the original 40 clear channels have been duplicated, the boundaries of the problem are as definitely established as they ever will be and that a solution to the problem should be reached at this time rather than some time in the indefinite future with respect to "the 12 clear channels not now disturbed." As stated above, higher power should be authorized on these 12 Class I-A frequencies as well as the 13 Class I-A frequencies set forth in Par. 17.

76. Par. 25 concludes that the curtailment of nighttime skywave service on the 13 Class I-A frequencies to be duplicated is justified by "the additional services \* \* \* made possible from new stations in underserved areas." However, no supporting reasons are set forth in the Report and Order which inconsistently ignores the fact that the new fulltime stations will afford a first nighttime primary service to but an insignificant portion of the white area population, will curtail rather than improve existing nighttime skywave service (improvement of which affords the only practical basis of improving service to white areas) and prohibits improvement of the existing nighttime skywave service of the Class I-A stations assigned to the frequencies concerned.

77. Par. 27 recites that the decision of choosing the 13 Class I-A frequencies to be duplicated was arrived at "by the painstaking

process of determining and evaluating all the pertinent factors \* \* \*." However, the Report and Order does not set forth a rational basis for the choice exercised (compare Pars. 28-33 and 34-38).

78. Par. 27 recites the "desirability of endeavoring to preserve the potential of at least four reasonably reliable and satisfactory skywave services throughout all white areas." Inconsistently, the Report and Order takes action that for all practical purposes forecloses the possibility of providing for reasonably reliable and satisfactory skywave services to all white areas, since only nine Class I-A frequencies are left with a real potential for higher power. As shown in the CCBS station plan, there must be a minimum of 20 higher power Class I-A stations if all regions of the country are to receive at least four reliable signals (see Part III D (8) hereof).

79. Par. 30 correctly concludes that the potential for improving skywave service in the West should be preserved. Inconsistently, the remainder of the Report and Order ignores the fact that it is equally if not more important to preserve the potential for improving skywave service in the East in view of the fact that the bulk of the white area population (71.3%, or some 18.27 million people) lives east of the Mississippi River (Par. 10 of Third Notice released September 22, 1959).

80. Pars. 32 and 33 correctly recognize the potential for improvement of skywave service in connection with the 5 Class I-A

frequencies specified. Inconsistently, the remainder of the Report and Order fails to recognize that each of the remaining Class I-A frequencies affords a potential for improved skywave service. The Report and Order fails to take advantage of the potential of any one of the Class I-A frequencies by authorizing higher power.

81. Par. 34 alludes to "the important and immediate objective of providing nighttime primary service to white areas" and thus inconsistently (as do Pars. 41 and 61) fails to recognize that the addition of new nighttime primary service can not significantly improve service to white areas. Nevertheless, the primary objective of this proceeding is to improve the skywave service now rendered to white areas (see Par. 41 of Further Notice released April 15, 1958, which states "that improvement of service throughout most of the existing white areas must be provided, if at all, by new or improved skywave service").

82. Par. 35 fails to specify the nature of the "immediate objective" and "possible future goals," and fails to specify the nature of the conflict between the so-called immediate objectives and future goals. A reading of the remaining portions of the Report and Order implies that there is but one objective, namely the improvement of nighttime service to white areas. Accordingly, there is no rational basis for concluding that a proper balance is best achieved by duplicating 13 Class I-A frequencies and preserving the status quo of the remaining 12. As shown

above, the only possible means of achieving the one basic objective is to authorize higher power for each of the existing Class I-A stations.

83. Pars. 35 and 77-81 conclude that 750 and 760 kc should be duplicated to meet "special situations arising out of the entry into force of the United States/Mexican Broadcasting Agreement." No rational reasons are given leading to the conclusion that 750 and 760 kc offer the best solutions to meet these special situations. Admittedly, the duplications do nothing to further the acknowledged primary objective of improving service to white areas.

84. Pars. 36 and 37 correctly conclude that the need for improvement of service in the West "is great" in view of the fact that 74.8% of the white area is located west of the Mississippi River. However, the paragraph inconsistently ignores the fact that the need for improvement of service in the East is likewise "great" in view of the fact that 71.3% of the white area population resides east of the Mississippi River.

85. Contrary to Par. 37, Chicago I-A frequencies do not have a "limited potential \* \* \* for improving skywave service in areas which need it" (see Petition for Rehearing filed simultaneously by WGN, Inc.). Par. 37 refers to requirements of protection to stations in Cuba and Mexico as limiting radiation of Chicago I-A stations to the South and refers to adjacent channel Class I-A operations in New York as limiting

radiation to the East. These statements are not true with respect to 720 kc, and thus constitute no reason for duplicating 720 kc. The fact that the potential of WGN for improving skywave service to the West is not so great as that of 12 Class I-A channels on which the status quo is reserved constitutes no valid reason for duplicating WGN in as much as WGN operating with higher power will improve significantly nighttime service to significant white areas. Par. 37 ignores the fact that the white areas are not confined to the West.

86. Par. 40 purports to set forth the underlying reasons for designating the particular state or states to which additional fulltime stations are assigned. However, no valid reason is given to support the conclusion that duplicating Class I-A channels in the designated states constitutes "the most fair, equitable and efficient use of the frequency." As shown above, the additional fulltime stations will not improve nighttime service to white areas in any significant way.

87. Par. 44 concludes that the assignment of additional fulltime stations on the Class I-A frequencies concerned "more nearly achieves the objectives of broadcasting in the standard band than does the present utilization of Class I-A clear channels at night by only one station." Inconsistently, no comparison is made of the extent to which the Commission's action will improve nighttime service to white areas as compared to the ultimate action of authorizing higher power for the

Class I-A stations concerned. As shown in Part III D hereof, the ultimate action of higher power will improve nighttime service to white areas to a much higher degree than will the duplication of the channels.

88. Par. 46 gives no underlying reasons in support of the conclusion that "a careful analysis of the entire allocation picture" leads to the conclusion that the additional assignment of Class I-A frequencies "will go furthest toward achievement of our objective." As shown above, the action taken does not meet the objective of significantly improving nighttime service to white areas. Under the standards proposed, the new Class II stations would provide a first primary service to only 234,575 people, or 0.9% of the white area population of some 25.6 million.

89. Footnote 6 to Par. 47 correctly recognizes "the importance of clear channel service to national defense communications and in emergencies \* \* \*." However, the Report and Order inconsistently takes action which degrades rather than improves existing skywave service.

90. Par. 76 states that the instant Report and Order does not "decide upon or prejudice the decision in \* \* \*" Docket Nos. 11290 and 11227. However, the paragraph inconsistently and prematurely amends the rules so as to establish a basis for resolving these adjudicatory hearings, contrary to the positions advanced by Class I-A stations KFI



and WCCO (see Petition for Rehearing filed simultaneously herewith by Earle C. Anthony, Inc.).

91. Par. 83 concludes, inter alia, that "service is substantially more abundant" in the East. This conclusion is inconsistent with Par. 10 of the Third Notice released September 22, 1959, which correctly concludes that 71.3% of the white area population resides east of the Mississippi River.

IV. Upon Reconsideration, A Modified Report and Order  
Should be Issued

92. For all the reasons set forth above, the Commission should reconsider the Report and Order released herein on September 14, 1961, and issue a modified Report and Order. The modified Report and Order should recognize the following:

(a) The primary objective of this proceeding is to improve nighttime service to white area populations residing within the continental limits of the United States.

(b) The only way in which nighttime service to white area populations can be improved is through new or improved skywave service on Class I-A clear channel frequencies.

(c) The only realistic method of creating new or improved skywave service is by authorizing Class I-A stations to operate with power in excess of 50 kw.

(d) A minimum of 20 Class I-A stations operating with power of 750 kw is needed in order to provide four reasonably reliable skywave services to all regions of the United States.

(e) The assignment of additional fulltime stations on Class I-A frequencies prior to authorizing the Class I-A station concerned to operate with power in excess of 50 kw will (1) forever prohibit any significant improvement of skywave service by the Class I-A stations concerned through the use of higher power, (2) lead to demands for additional domestic and foreign fulltime assignments on the Class I-A channels concerned with the result that the white areas will be increased, (3) defeat completely the objective of improving nighttime service to all existing white areas, and (4) possibly jeopardize the use of Class I-A channels for national defense and emergency military communications.

(f) Following authorization of higher power for all Class I-A stations, additional fulltime assignments may be made under controlled conditions on the Class I-A frequencies concerned.

93. If upon reconsideration it is concluded that a resolution of the question of authorizing higher power should be deferred with respect to any of the Class I-A frequencies, it should be likewise concluded that a resolution of the question of assigning additional fulltime stations on any of the Class I-A frequencies must be deferred.