



CROSLY IS GRANTED

CLEAR and unconditional grants to the Crosley Broadcasting Corp. TV stations to change to new frequencies and higher power were made by the FCC last week. The Commission raised the question of overlap among the three Crosley TV outlets—WLWT (TV) Cincinnati, WLWD (TV) Dayton and WLWC (TV) Columbus—last September [B•T, Sept. 22].

This is considered the first major case in which the intent of the McFarland Act changes to the Communication Act was carried out successfully. The McFarland Act provides that the Commission notify an applicant when it cannot grant a request without a hearing. Purpose is to give the applicant the opportunity to answer the objections, or make changes in the application, in order to obviate the need for a hearing.

Free-Lift Involved

The three Crosley-owned Ohio stations were required to change wavelengths in accordance with reshuffles in the light of the new allocation table and new separation criteria formulated by the FCC last April in its Sixth Report and Order [B•T, April 14]. The changes applied also to 27 other TV stations.

Success of Crosley in convincing the Commission that a hearing on overlap was not necessary is presumed to be a forerunner of pos-

sible similar action in the WGAL-TV Lancaster, Pa., and WDEL-TV Wilmington, Del., case. These Steinman-owned stations also were informed by the FCC that due to the question of overlap between them on their new frequencies (they were among the 30 TV stations required to change channels) and with higher power a hearing was necessary [B•T, Sept. 22].

Following that action, WDEL-TV withdrew its application for higher power, thus eliminating the overlap situation with its sister WGAL-TV station.

At the time the question of overlap among the Crosley stations arose, the Commission conditionally granted them changes in frequency as required by the Sixth Report and Order. WLWT was changed from Ch. 4 to Ch. 5;

WLWD, from Ch. 2 to Ch. 5, and WLWC, from Ch. 3 to Ch. 4.

Also at that time, WGAL-TV was granted conditional authority to change from Ch. 4 to Ch. 8. At the moment, this switch is in litigation, based on appeals to the Federal courts by WLAN Lancaster, applicant for Ch. 8.

In the Crosley cases, the FCC contended that there would be overlap of the Grade A service between the Cincinnati and Dayton stations, and overlap of Grade B service between all three stations.

In its response to the Commission's "McFarland letter," Crosley stressed that this particular question had been investigated by the FCC in 1947 at the time of the WLWD and WLWC grants and that the overlap had been found to

be insignificant [B•T, Oct. 27].

Commission's action in sending Crosley and Steinman notification of a need for a hearing last September brought objections from Comr. George E. Sterling. He argued that any overlap conditions were caused by the FCC's new engineering regulations and not by the applicants.

In the Crosley grants last week, FCC Chairman Paul A. Walker and Comr. Frieda B. Henneck dis-

sent, in which Miss Henneck concurred, stating:

The authorizations that have been granted to Crosley today condone a far greater amount of overlap than has ever been previously authorized by this Commission. Operation of the three Crosley stations in such close proximity with maximum power is a rejection of the underlying principles of the Commission's multiple ownership rules . . .

FCC Okays Channel Changes

ABC-UPT FUSION

THE FCC ordered oral argument on the significant ABC-United Paramount Theatres merger last week. A five-hour hearing was scheduled for Jan. 5.

The week also saw DuMont file replies to the Broadcast Bureau's exceptions to Hearing Examiner Leo Resnick's initial decision last month which approved the merger, as well as license and transfer approvals of other parties in the case [B•T, Nov. 17].

The Broadcast Bureau filed oppositions to the initial decision in virtually all its aspects.

One of the issues in the case was the question of whether Paramount Pictures controlled DuMont in the light of FCC regulations by virtue of its 25.5% stock ownership in the manufacturing-telecasting firm. The examiner found that it did not.

Although strong hope had been held by most of the parties to the case that oral argument would not be necessary, protests to approval of the merger by Sen. Charles W. Tobey (R-N. H.), scheduled to be chairman of the radio-TV powerful Senate Interstate & Foreign Commerce Committee, and by Sen. William Langer (R-N. D.), due to head the important Senate Judiciary Committee [B•T, Dec. 8], were believed to have swayed the

Commission otherwise.

Only exceptions to the initial decision were filed by the Broadcast Bureau [B•T, Dec. 1]. DuMont filed exceptions to the merger and other findings, but understandably did not object to the control findings [B•T, Dec. 8].

Argument before the Commission *en banc* on Jan. 5 was scheduled to give each of the parties one hour.

Paramount Pictures Set

First scheduled is Paramount Pictures. Next on the list is DuMont, followed by UPT, ABC and finally the Broadcast Bureau.

Twenty minutes is reserved for WSMB New Orleans if it desires to participate.

CBS, which is buying UPT's WBKB (TV) Chicago, for \$6 million, notified the Commission that it was filing no papers and did not care to participate in oral argument.

The involved Paramount case, which ran for 90 days [B•T, Jan. 21 et seq.], included the following issues:

1. License renewals of KTLA (TV) Los Angeles, WBKB (TV) Chicago and WABD (TV) New York.
2. Approval of the transfer of control of the Los Angeles station from the old Paramount Pictures Inc. to the new Paramount Pictures Corp., and of WBKB and a half interest in WSMB New Orleans from old Paramount Pic-

Oral Argument Is Set

tures to United Paramount Theatres Inc. Latter was formed as the theatre company after the 1949 Supreme Court decision ordering motion picture producers to divest themselves of their exhibition holdings.

3. Licenses for DuMont owned WTTG (TV) Washington and WDTV (TV) Pittsburgh.

4. Question whether Paramount Pictures' 25.5% interest in DuMont constituted control of the latter company.

5. Approval of the merger of ABC with UPT, to form a new American Broadcasting-Paramount Theatres Inc.

6. Approval of the sale of WBKB to CBS for \$6 million upon approval of the merger of ABC and UPT, which would result in the new AB-PT company owning two stations in Chicago. ABC also owns WENR-TV there.

Mr. Resnick approved all the requests in a 140-page document.

The merger contract between ABC and UPT terminates if not approved by the FCC by next June 23.

Although CBS would seem to have clear sailing for the acquisition of WBKB if the merger is approved, it has an additional hurdle. Pending before the Commission is an application for Chicago's Ch. 2 by Zenith Radio Corp., which has an experimental station occupying that frequency. WBKB, now on Ch. 4, is due to move to Ch. 2 under the FCC's Sixth Report and Order which required 30 operating TV stations to change wavelengths.

In October, CBS asked the Com-

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BLACKBURN TO GEYER

Resigns NBC-TV Post

NORMAN BLACKBURN has resigned as West Coast director of television, NBC-TV, to join Geyer Adv., New York, as vice president and director of radio and television, it was announced last week.

Mr. Blackburn has been with NBC since 1948 and previously was vice president in charge of the Hollywood office of J. Walter Thompson Co.,

Mr. Blackburn

where he supervised the Lux radio program, Kraft Music Hall, Elgin Holiday shows, and the first commercial television programs of the Southern California Appliance Dealers' Assn.