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Protest of Muskogee Ch. 8 Grant Denied

PROTEST against the FCC's grant of Muskogee ch. 8 to Tulsa Broadcasting Co. (KTUL), filed by three Tulsa tv stations last May [B•T, May 17, 10], was denied last week by the FCC.

The Commission said the three stations—KCEB (TV) on ch. 23, KOTV (TV) on ch. 6 and KSPG (TV), holding a grant on ch. 17—had no right to protest under Sec. 309(c) of the Communications Act because the ch. 8 grant was made after a hearing. The Commission also said that no material reasons had been advanced for a rehearing, since "the matters alleged by petitioners are insufficient to warrant absolute disqualification of a television applicant in an uncontested case."

James Leake, vice president of Griffin Grocery Co. which owns Tulsa Broadcasting Co., said Thursday following the FCC's action that the Muskogee ch. 8 outlet would be on the air by Sept. 1. The station, serving the Muskogee-Tulsa area, he said, would affiliate with ABC and DuMont, with Avery-Knodel Inc. as national representative.

Protestants claimed that the principal owners of Tulsa Broadcasting Co. (John T. Griffin and family) also own 50% of KWTU (TV) Oklahoma City and that there is an overlap of grade A service areas between that station and the Muskogee ch. 8 station.

They also charged undue concentration of control, stating that the Griffin family also owns KATV (TV) Pine Bluff, Ark., and KTUL Tulsa, KOMA Oklahoma City and KFPW Fort Smith, Ark.

One of the reasons for the protest, the three objectors said, was that Tulsa Broadcasting was advertising that the Muskogee ch. 8 station would be a Tulsa-Muskogee outlet and that "harmful" attacks had been made on uhf television.

The Muskogee grant came after competing applicants Oklahoma Press Publishing Co. (*Muskogee Phoenix and Times-Democrat*) and Ashley L. Robison withdrew.

KCEB said it had invested \$850,000 in building the uhf station and that it was losing \$30,000 monthly in anticipated revenues following the grant of the Muskogee facilities.

Appeals Court Denies Bid By WTVI (TV) for Ch. 4 Stay

U. S. Court of Appeals in Washington has denied the request of WTVI (TV) Belleville, Ill., for a stay order against KWK St. Louis, which was granted ch. 4 there after the two competing applicants merged with it last April [B•T, May 3].

Although it denied the stay request, the court told the FCC not to issue any license to the merged KWK ch. 4 station until it had decided the merits of WTVI's appeal. Issuance, however, of a special temporary authority for commercial operation was all right, the court said.

WTVI, which operates on ch. 54 in the St. Louis market, filed an application for ch. 4 there two days before the FCC made final an examiner's initial decision in favor of the KWK grant. The FCC refused to accept the application on the ground the frequency requested was in hearing status. New applications may not be filed beginning 30 days before a hearing starts. WTVI also protested the KWK grant, but this, too, was denied by the FCC on the ground that a protest may be filed only against a grant made without a hearing. The uhf station appealed both FCC rulings. Previously, the court had refused to issue a stay against the KWK grant on the earlier request by WTVI.