

ment for the use of our facilities in broadcasting this record."

He said the public's reaction has followed this line: "Why?" "What a crazy rule," "How come all this extra plug for the record companies?" Mr. Baker told the FCC that "your most recent directive is the most ridiculous, the most unfair and the most unworkable of any you have yet issued."

According to Pat Grande, air personality on WHLF South Boston, Va. "the record companies will wind up being the first commercial enterprise in the history of modern radio to be given all the free radio time their hearts desire. . . . We'll all be playing right into the record companies' hands."

**While in L.A.** ■ Most stations in Los Angeles now are buying all their records, it was reported. Also, many are no longer accepting records in the mail but are having them returned to the sender—at his cost.

Record promotion men are permitted to leave only one pressing of a recording at a station. "To add insult to this injury," he is required to sign a receipt for it and then return to pick it up after station personnel have auditioned the recording.

## Vhf wants uhf, too

A Wisconsin vhf station has asked the FCC to waive its duopoly rules and permit it to build and operate a uhf facility in the same city.

WEAU-TV (ch. 13) Eau Claire, filed simultaneously for a construction permit to operate on ch. 25 in that city. "It may well be that uhf tv can be made to succeed only if successful vhf stations will take the financial risk attendant upon uhf operation. . . ." WEAU-TV told the FCC.

The station pointed out that the population of Eau Claire has been limited to the service of only one tv station and that ch. 25 "is being wasted." The commission was told that the use of uhf throughout the country will be stimulated by the proposal.

## WRCA to be WNBC?

The National Broadcasting Co. asked the FCC last week for reinstatement of the WNBC call letters for its New York radio and tv stations. The WNBC calls were changed to WRCA about six years ago.

William N. Davidson, NBC vice president, stated that the WNBC-AM-FM-TV calls better identified NBC's key stations with the company.

The call letters are currently assigned to the New Britain, Conn. tv station sold by the network to Connecticut Television Inc. It was part of the sale agreement that the network would retain the WNBC call letters.

# HOUSE BILL DISTURBS FTC

## Agency ethics measure also displeased FCC

The Federal Trade Commission doesn't like a House bill on federal agency ethics any better than did the FCC and for essentially the same reasons, FTC Chairman Earl W. Kintner said last week.

Testifying Thursday before the House Commerce Committee headed by Rep. Oren Harris (D-Ark.), also the author of the bill (HR 4800), Mr. Kintner said he and his FTC colleagues don't think such terms as "unusual hospitality" are sufficiently precise; feel the bill is too drastic in imposing *ex parte* bans on routine procedures as well as decisions based on merits; believe some conflict of interest prohibitions are too strict and may scare people away from government service, and are of the opinion that the bill's rigidity on gifts and favors would preclude ordinary courtesies and social amenities.

Mr. Kintner opposed *ex parte* prohibitions in all FTC rulemaking cases, holding none of the FTC's rulemaking is on issues between parties but serves

the purpose of administering and interpreting existing statutes. Rep. Harris asked him to submit language for the bill which would exclude FTC rulemaking from the *ex parte* bans.

The FTC chairman said the proposed *ex parte* ban on adjudicatory cases in HR 4800 does not take into account the fact that the agency as a matter of practice keeps the names of complainants off the public record; to preclude this practice would hamper prosecution of cases, he said.

**Consent Settlements, Too.** ■ The same goes for negotiations for consent settlements, he suggested, and 80% of FTC's complaints result in such settlements, which, he declared, are as effective in their prohibitions as a cease and desist order.

Mr. Kintner said HR 6774, recommended by the American Bar Assn., would preclude consideration of material facts not in the record, which present law permits. It also would prevent any FTC reliance on legal theories not presented by counsel and which the FTC might want to include on its own motion, he said.

The FTC's enforcement is dependent upon complaints from the public and industry and HR 6774 would make writing and receiving such complaints in hearing cases illegal, he said. He said he didn't see how enforcement and criminal sanctions would be feasible for various reasons.

The FTC chairman also opposed a provision in HR 4800 to prohibit intra-agency communications between FTC members, their legal aides and the opinion staff; requirements for a "fair summary" of oral *ex parte* presentations, and failure to allow for certain mechanical procedures.

Mr. Kintner commended some of the FTC's own rules for employes on *ex parte* contacts, improper influence and conflicts of interests as adequate and said he didn't object to these being enacted as law. FTC members, not bound by the rules, follow them as a matter of course, he said. He said he didn't object to criminal sanctions, but thought care should be used to prevent scatter-gun application.

**Elect Their Own** ■ He felt that giving the President power to remove agency members for neglect of duty or malfeasance is a matter for Congress to decide. FTC members were split on whether members should be allowed to elect their own chairman and for how long he would serve.

Mr. Kintner approved, with reserva-



CHAIRMAN KINTNER  
He's not too happy