

# Capital Cities buy-sale OK'd

FCC majority decides  
top-50 interim policy  
doesn't apply to deals

The FCC's interim policy designed to limit the spread of multiple-station owners into the top-50 markets has proved no bar to Capital Cities Broadcasting's purchase of KTRK-TV (ch. 13) Houston.

The reason, reportedly, was that Capital was also selling WPRO-TV (ch. 12) Providence, R. I., which, like Houston, is one of the top-50 markets.

The commission last week announced approval by a 4-to-2 vote, of both transactions—the purchase of KTRK-TV, from John Jones and associates, for \$21.3 million, and the sale of WPRO-TV, to John B. Poole, principal owner of WJRT-TV Flint, Mich., for \$16.5 million.

The commission's interim policy on multiple ownership requires hearings on applications that would result in a broadcaster owning more than three

TV stations in the top-50 markets, no more than two of them VHF's. The policy is in effect pending final action on a rulemaking providing for similar limits on ownership.

And in addition to WPRO-TV, Capital owns four VHF's in the top-50 markets, WTEN(TV) Albany and WKBW-TV Buffalo, both New York, WTVD(TV) Durham, N. C., and WSAZ-TV Huntington, W. Va., as well as one UHF, WCDC(TV) Adams, Mass.

**Five Station Limit** ■ The sale of WPRO-TV was necessary to permit Capital to acquire KTRK-TV and still comply with the commission rule limiting broadcasters to ownership of five VHF's.

The announcement of approval of the two transactions was a brief one, which didn't detail the reasoning behind the decision.

However, it's understood the commission majority felt that, since Capital was selling a top-50 market station as well as acquiring one, the interim policy didn't apply. The fact that Houston occupies a higher market rank—12th as compared to Providence, which is 25th—was taken into consideration also.

**Staff Recommendations** ■ The commission staff had recommended approval of the transactions (CLOSED CIRCUIT, June 5) on the ground they would

promote diversification of control of broadcasting properties. The staff noted that the sale of WPRO-TV would lessen Capital's concentration of control of stations in the Northeast, where it owns five stations. In addition, since associated radio properties in Houston and Providence are not involved in the sales, diversification of control of broadcasting would be improved in both cities.

The dissenters to the sales were Commissioners Nicholas Johnson and Robert T. Bartley. Commissioner Johnson said that the commission shouldn't act on such transfers until it resolves its top-50 rulemaking.

Commissioner Bartley felt that he couldn't determine without a hearing whether the transfers would result in an improvement in the structure of the broadcasting industry—a test he generally applies in transfer cases involving multiple owners.

## Changing hands . . .

**ANNOUNCED** ■ *The following station sales were reported last week subject to FCC approval:*

■ **WDEE-AM-FM** Hamden, Conn.: Sold by Richard Greene and Stuart M. Cadan to group headed by Noel Cote, Frank Delfino and Ted Quale for \$400,000 including adjustments. Mr. Quale, who is with WFAS-AM-FM White Plains, N. Y., will be president and general manager. Messrs. Cote and Delfino are with WICC Bridgeport, Conn. WDEE is daytimer on 1220 kc with 1 kw. WDEE-FM operates on 101.3 mc with 20 kw. Broker: Edwin Tornberg & Co.

■ **WARN-AM-FM** Fort Pierce, Fla.: Sold by Walker Broadcasting Corp. to Drew J. T. O'Keefe for \$220,000. Mr. O'Keefe is U. S. attorney; 100% owner of WCB Levittown-Fairless Hills, Pa.; 65% owner of WKEN Dover, Del. WARN is on 1330 kc with 1 kw days and 500 w nights. WARN-FM operates on 98.7 mc with 1.3 kw.

■ **WJAB** Westbrook, Me.: Sold by the Green Group to Chester Steadman Jr. for \$160,000. Mr. Steadman is licensee of WBRL Berlin and WCNL Newport, both New Hampshire. The Green Group, headed by Howard Green owns WOND Pleasantville and WMGM(FM) Atlantic City, both New Jersey, and WENY-AM-FM Elmira, N. Y. It is also applicant for new TV's in Atlantic City and Elmira. WJAB is daytimer on 1440 kc with 5 kw. Broker: Chapman Co.

■ **WJOR** South Haven, Mich.: Sold by Richard M. Pomeroy and Bessie M. Pomeroy to J. M. Coe, Dee O. Coe and Victor Voss for \$135,000. J. M. Coe is vice president of Best Foods Corp.,

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