

VHF's) in the top-50 markets. The policy requires a compelling public-interest showing of applicants seeking to acquire more stations than the rule would have allowed.

Three of the Corinthian stations—KHOU-TV Houston, KXTV(TV) Sacramento, Calif., and WISH-TV Indianapolis—are top-50-market VHF's. The others are KOTV(TV) Tulsa, a VHF, and WANE-TV Fort Wayne, a UHF.

Corinthian and Dun & Bradstreet have thus far maintained that the policy does not apply to their merger. They argued that the policy is not designed to bring about divestiture of existing holdings and that there would be no change in the number of stations under common ownership.

The top-50-market policy will also confront participants in at least two other major transfers of station groups that must clear the FCC: Triangle's sale to Capital Cities and Time Inc.'s sale to McGraw-Hill.

It was not clear last week whether the commission will request information on other aspects of the Corinthian merger that are said to be troubling some commissioners. But it remains to be seen whether the request for additional information of any kind will be more than an academic exercise.

The "upset" date in the merger contract was to pass on Friday (Nov. 27). After that either side was to be free to cancel its agreement. There was no im-

mediate indication whether either side would exercise that option. They will be in a better position to make that decision after receiving the commission notification which was held up by the Thanksgiving holiday.

The merger would involve the exchange of a .675 share of Dun & Bradstreet stock for each share of Corinthian. The group owner has 3.4 million shares outstanding, 48% of which are owned by John Hay Whitney, financier, who would own 9% of the merged company.

At the time the merger was announced, on Dec. 1, 1969, the exchange of stock had a value of \$134 million. Dun & Bradstreet shares then were quoted at \$58.75, Corinthian at \$25.75.

Since then, the value of Dun & Bradstreet stock had dropped while that of Corinthian's has climbed. Dun & Bradstreet closed last Wednesday at \$49.37½, Corinthian at \$28.25.

Corinthian and Dun & Bradstreet are not the first applicants to be forced to a moment of sales-contract truth by the length of time taken by the FCC to act on transfer applications.

In February, Metromedia canceled its agreement to buy WFLD-TV Chicago after waiting 10 months for the commission to consider its application. Metromedia would have been obliged by its contract to begin paying a penalty of \$200,000 a month, in addition to the \$10-million purchase price,

to keep the agreement in effect (BROADCASTING, Feb. 9).

In December 1969, the *Minneapolis Star & Tribune* decided against going through a hearing the commission had ordered on its proposed \$4.4-million sale of KTVH(TV) Hutchinson, Kan., to WKY Television Systems Inc. After the parties waived their right to a hearing in an effort to get prompt decision, the commission denied the application. The sale had been pending nine months. Contract termination date was Dec. 31.

Corinthian and Dun & Bradstreet, apparently with those experiences in mind, twice in recent months called the commission's attention to the fact that the transfer applications had been filed on Feb. 27 and noted that the "upset" date was Nov. 27 ("Closed Circuit," Nov. 9). Each time, the commission assured the parties that action would be taken by then.

Besides the top-50-market-policy matter, some commissioners are said to be concerned about the programing proposed in the applications. They are reportedly unimpressed by the Corinthian stations' performance in news, public affairs and other nonentertainment areas—particularly in view of their profits—and, thus, are said to be unmoved by Dun & Bradstreet's promise to extend and strengthen the stations' "quality" operations.

There are other factors complicating the proposed merger—namely, three petitions to deny it. One was filed by WLFJ-TV (ch. 18) Lafayette, Ind., which argues it would be economically injured by the additional strength the merger would bring to the Corinthian stations. Another was filed by LVO Cable Co., of Tulsa, Okla., whose request for the importation of distant signals was opposed by Corinthian and which argues that the merger would create a monopoly problem.

The third petition to deny was filed by Anthony Martin-Trigona, owner of now-dark WTAF(TV) (ch. 31) Marion, Ind., and a persistent gadfly in broadcast matters who has filed petitions to deny a variety of renewal and transfer applications. He opposes the Corinthian-Dun & Bradstreet merger on concentration-of-control-of-media grounds.

The decision to request additional information from the applications—taken without a vote but, reportedly, over no objections—was seen by some officials as offering encouragement to both sides. Opponents might feel it would afford the petitioners additional grounds for appealing any eventual decision to approve the transfers.

Propponents, on the other hand, might be hoping for the addition of a fourth, and deciding vote, in the person of a new commissioner, by the time the matter comes back for a vote—assuming the merger is still intact.

Three-month extension on satellite applications

The FCC last week extended from Dec. 1 to March 1, 1971, the time for filing all applications for domestic communications-satellite systems in the 4 and 6 ghz bands or using higher frequencies.

The commission also set the following new deadlines for specific filings related to satellite applications:

- March 15, 1971, for ABC, CBS and NBC to submit statements of their intent to apply for a satellite system.
- March 30, 1971, for the networks' affiliates associations to apply for a prototype receive-only earth station.
- March 30, 1971, for Western Tele-Communications Inc. to file for earth stations to be operated with systems proposed by other applicants.

Comments on the applications and on the rulemaking proposal are due March 30; reply comments are due April 26.

Requests for additional time to file for systems in the 4 and 6 ghz bands were filed by RCA Global Communications and RCA Alaska Communications Inc. They asked for a Dec. 30 deadline to file and to study the higher frequencies

on which they may decide to file.

In its request for a Feb. 28 extension to file for earth stations, Western Tele-Communications said it also is considering filing for transmit-receive stations in the 4 and 6 ghz or higher bands to operate in conjunction with one or more satellites or satellite systems owned by others, and may decide to apply for a complete system of its own.

Communications Satellite Corp. and GT&E Service Corp. requested reconsideration of the Feb. 28 filing date granted to Microwave Communications Inc. for a 4 and 6 ghz proposal to avoid inequity. In the alternatives, they requested an extension to Feb. 28 for all applicants. Western Union requested that the date for an MCI filing for 4 and 6 ghz be cut back to Dec. 15.

In granting the deadline extensions, the commission said it wants to avoid "unnecessary delay" in resolving the proceeding and hopes to begin processing applications as promptly as possible. It urged applicants who do not need extra time, to submit their applications as soon as they are ready.

The vote on the extensions was 5-to-0 with Commissioner Robert T. Bartley absent.