fight. The campaign has included paying the mailing costs for 32,000 letters to Southern Baptist Convention ministers, 300,000 letters to persons who have requested tickets to the Opry in the past six months to a year, 50,000 letters to owner-operators in the trucking industry and a $22,000 advertising campaign in country music, trucking and broadcasting trade magazines (BROADCASTING, Feb. 19).

It has been the Atkins letter, however, that has provoked much of the response from broadcasters. Chris Watkins, president of WNMT(TV) Garden City, Ga., wrote back: "You are playing a losing game with one [station] and losing friends with more than 100 stations and thousands of listeners and buyers."

In a letter to BROADCASTING on the subject, Ted A. Smith, president of KUMA(AM) Pendleton, Ore., wrote: "I am sure all the stations to whom this letter was sent would be glad to run this [the PSA] providing, of course, that all the clear-channel stations would, in return, run similar announcements urging their listeners to write the FCC and urge full-time 1,000 watt service for class IV's, or full time for daytimers."

Mr. Watkins also wrote the Complaints and Compliance Division of the FCC that he could not see "how this copy (even if it was not controversial) could be carried by any station as a public service announcement."

According to Richard Lichwardt, executive director of the FCC, between 5,000 and 6,000 letters have been received at the commission on the clear-channel issue. Last week, he said, letters were coming into the FCC mail room at a rate exceeding 100 per day.

Mr. Hensel said that WSM had been receiving 200 letters a day for the past four to five weeks and that "only three were against us, and two of those were from broadcasters." He called WSM's campaign "so far very successful." The Atkins letter has evoked 57 replies from broadcasters, he said, with 35 saying they would run the PSA.

## BMI and radio come to terms

**Five-year contract is reached with blanket and per-use license forms simplified**

Agreement on a new five-year contract for radio stations' use of the music of Broadcast Music Inc. was announced last week by BMI and the All-Industry Radio Music License Committee.

The new contract, subject to acceptance by stations individually, extends from Jan. 1 of this year through Dec. 31, 1983. In addition it was agreed that for the period from Dec. 31, 1977, when the old contract expired, through the end of 1978, stations would pay on the same terms and conditions as in 1977.

New and simplified terms were also developed for a new per-program license.

The new blanket license provides for a rate of 1.7% of net receipts. That's the same rate used under the expired contract, except that in its final year (1977) the old contract reduced the rate experimentally to 1.64%. (For stations with annual gross of less than $100,000 the rate remains 1.44%, as in the expired contract.)

Committee leaders said the blanket license has been simplified by increasing the optional standard deduction from its old 15% to 17% for the first four years of the new term and to 18% in the fifth year. This, they said, should make it possible for more stations to use the optional standard deduction and eliminate the record-keeping necessary when deductions are itemized.

In another change, stations are permitted to deduct the full 15% advertising agency commission "off the top." Under the old licenses, the 15% commission deduction applied only to the amount remaining after itemized deductions had been subtracted. The committee said that for stations that itemize, the new rule on agency commissions should result in "significant additional deductions."

In the new per-program license, normally used by relatively few stations, the reporting has been "greatly simplified," the committee said, and will be required for not more than four weeks a year.

The per-program fee will be 4% of gross revenue of programing periods making feature use of BMI compositions, subject to a minimum monthly fee of four times the station's highest one-minute card rate. The committee said there will be no additional fee or reporting with respect to commercial jingles, themes or signatures, bridge, cue or background music or music incidental to a public or sports event.

Abiah A. Church of Storer Broadcasting, chairman of the all-industry committee, told committee-supporting stations in a letter last week that the new per-program contract may be beneficial to stations with a split format consisting of all talk or all news for most of the broadcast day, with musical programs in low revenue-producing hours; to classical music stations that broadcast primarily public-domain music, and to stations that have a few interspersed hours of music during the week.

"We do not think that the per-program license would be useful to a station that has some feature performances of BMI music in most programing periods of its broadcast day, no matter how little BMI music was used during a particular programing period," Mr. Church said. "Thus a station having a talk format where one or two feature performances of music are interspersed would not in our judgment benefit from the per-program license."

BMI said copies of the new contract were being mailed to stations beginning last week.

Agreement between the committee and the American Society of Composers, Authors and Publishers covering new radio-station contracts for the use of ASCAP music was reached in principle last summer (BROADCASTING, Aug. 21, 1978) and made final near the end of December (BROADCASTING, Jan. 8). It extends through Dec. 31, 1982.

Members of the committee with Chairman Church are George W. Armstrong, Storz Broadcasting; Kenneth R. Frankl, RKO General; Robert E. Henley, WGN of California Inc.; Robert R. Hilker, Suburban Radio Group; J. Allen Jensen, KID Broadcasting; Richard C. Percival, retired Cowles Communications executive; Elliott M. Sanger, retired WQXR-AM-FM New York executive; Lester M. Smith, Kaye-Smith Radio; James A. Stabile, Metromedia, and Donald Thurston, Berkshire Broadcasting. Emanuel Dannett and Bernard Buchholz were counsel to the committee.

BMI negotiators were led by Edward M. Cramer, president, and included Alan H. Smith, vice president, licensing; Edward J. Molinelli, financial vice president and treasurer, and Edward W. Chapin, general counsel.

## Long, long road to Birmingham

**FCC issues 'final' decision granting ch. 21 to Chapman, but few believe that's last of case in hearing since 1966**

The FCC last week announced a final decision in the channel 21 Homewood, Ala. (Birmingham), comparative hearing. But the case, in which the commission ruled in favor of Chapman Radio and Television Co. (BROADCASTING, March 5), is likely to be remembered less for who won than as another example of the need for reform in adjudicatory procedures.

The hearing, which originally involved five parties, was designated in 1966, and finally came down to a decision between Chapman and Birmingham Broadcasting Co. Over the years, nine opinions at various levels were issued before the commission's "final" one announced last week.

Former Commissioner Margita White, in a separate statement in which Commissioner Abbott Washburn joined, said the history "suggests that we are awash in due process." Nor does she believe "for one minute" the case is over, or that pleadings extending its life will not be filed.

The commission as a whole, according to the decision written under the supervision of Commissioner Joseph Fogarty, also felt "compelled to comment on the duration" of the proceeding. It said some of the factors causing delay were "unavoidable"—consequences of the hearing process. But some of the blame, it said, lay with the two remaining applicants who, as the commission said in an earlier order, had been "less than diligent in amending their applications to reflect changing circumstances." The FCC's own processes may also have contributed to the delay, the commission added.

The commission noted it has been at-