

## Big Program Arranged For New Plant at KNX

WITH government, civic and business leaders from all parts of Southern California attending, KNX, Hollywood, was to dedicate its new 50,000-watt transmitter at Columbia, Park, Torrance Cal. Sept. 16, at a banquet and entertainment in Torrance Civic Auditorium. With Donald W. Thornburgh, CBS Pacific Coast vice-president and Mayor William H. Tolson of Torrance as principal speakers, the ceremony was to be broadcast over the complete CBS Pacific Coast network. Approximately 800 were expected to attend the banquet. Bill Goodwin, CBS Hollywood announcer-producer, was to be master of ceremonies. Charles Vanda, CBS West Coast program director, arranged a special program for the occasion.

The transmitter plant, entirely RCA equipped, was erected by CBS at a cost of \$350,000 under direction of James Middlebrooks, the network's engineer in charge of construction. Engineers in charge of the transmitter, have just completed a four-week study of the new equipment and declare signal intensity is higher than predicted.

## New Texas Station

HAROLD C. SCOTT, for the last five years with KXBY (now KITE) in Kansas City, has been named manager of the new KSAM, Huntsville, Tex., authorized last May by the FCC to operate with 100 watts daytime on 1500 kc. Mr. Scott also formerly served with KGNC, Amarillo; KFYO, Lubbock; KOCA, Kilgore, and KGGM, Albuquerque. Chief engineer of the new station, which begins operating on or about Sept. 25, is B. A. Smith, formerly with Texas stations KGKB, Tyler, and KRBA, Lufkin. The new station will use a composite transmitter. It will be licensed to Sam Houston Broadcasting Co., of which H. G. Webster, local banker, is president. The other stockholders are C. N. Shaver, president of Sam Houston State Teachers College, and his son, a student at Columbia U.

PATENT No. 2,125,977, covering an invention designed to "transmit ultra-high frequency waves over distances greater than the line of sight between the transmitter and receiver" and thus make possible the transmission of television beyond the horizon, has been issued by the U. S. Patent Office to Dr. Vladimir K. Zworykin, RCA's inventor of the Kinescope and Iconoscope.

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## Disputes FCC Authority

(Continued from page 16)

argued. "It both declares and enforces concerning what is proper and improper. The Communications Commission has no jurisdiction to regulate broadcast advertising. Its exercise is an unwarranted assumption of power."

Apròpos its contention that the sale by a licensee of a station of periods of time during which the user of the time—not the licensee—controls the text and content of the broadcast is unobjectionable and in accord with the universal practice, the brief contended that this practice is approved by the Commission so long as the programs are meritorious. It was argued that it is an abuse of regulatory power to apply this and discriminatory standards to the programs cited in connection with the two stations.

To support this contention, the attorneys brought out that more than 200 stations are affiliated with NBC and CBS. These chain companies maintain contracts with their affiliated stations which are uniform for all stations on each network. It added that these contracts have been filed with the Commission and that it is thoroughly familiar with them.

Pointing out that during these network programs the network company supplies the program, talent, announcer and everything but the actual transmitting equipment, the brief stated that the network collects from the advertisers and remits only a part of that compensation to the station, retaining the balance. Terms of the network contracts, together with citations of such cases as the KMBC, Mae West, and KVOs cases, were made to support the contention that the Commission has no jurisdiction over block sale of time so long as the programs are meritorious.

The claim was made that the Commission erred in law by reserving the ruling on a motion of the appellants for dismissal of the WBBC application. The record, it was contended, showed that the Commission never acted on the "reserved ruling" on this motion.

Finally, it was contended that the opinion of the Commission ordering deletion of the two stations with three-fourths time to WBBC with WVEW, also of Brooklyn, to retain its one-fourth time, did not constitute a lawful basis for a valid order. It was pointed out that the new hearing "de novo" or back to the beginning, were held in March, 1937. At that time the Commission consisted of Messrs. Prall, chairman, Case, Sykes, Stewart, Walker, Brown and Payne. It was brought out that neither Commissioner Payne nor Commissioner Walker attended any of the hearings or had any connection with them and that at the most only five commissioners participated.

Commissioner Stewart's term expired on July 1, 1937, and Chairman Prall died three weeks later, July 23. When the commissioners commenced their meetings in the fall of 1937, it was held, there were only three commissioners who had any connection with the case—Sykes, Case and Brown. It was held that the decision was illegally adopted by referendum and not by consultation and a full and free discussion by the Commission sitting as a body.

## Tums' Variety Show

JERRY COOPER, screen, stage and radio singer, will star on *Vocal Varieties*, originating at WLW, Cincinnati for NBC-Red, beginning Sept. 15, for Lewis-Howe Co., St. Louis (Tums). The variety program, directed by William Stoess, includes The Smoothies, the Davore Sisters, and the Eight Men, and is heard Tuesdays and Thursdays, 6:15 p. m. (EST) on NBC, with special outlet over WLW only at 10:15 p. m. This schedule will be in effect until Sept. 27, when the program will be broadcast 7:15-7:30 p. m.

WRITTEN specially for radio by Alfred Kreymsborg, the noted poet, the poetic allegory, *The Planets*, was broadcast over NBC-Blue Sept. 12, a repeat of its June 6 performance. The work will soon be released in book form.

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