

APPEAL GRANTS

Court Action Draws Near

COURT ACTION on three new appeals from FCC new-station grants draws nearer with the filing of opposing and supporting briefs in the U. S. Court of Appeals for the District of Columbia. They concern AM grants at Dallas, Los Angeles and Cleveland.

KSEO Durant, Okla., has complained to the court that the Commission unlawfully effected modification of its license by granting Texas broadcaster Roy Hofheinz and W. N. Hooper a new outlet at Dallas (KACE).

Huntington Broadcasting Co., losing applicant at Huntington Park, Calif., to Coast Radio Broadcasting Corp. at Los Angeles (KPOL), charged FCC ignored comparative findings required by law and used an improper precedent case, that of Belleville-East St. Louis, Ill.

Scripps-Howard Radio Inc., appealing FCC's new-station grant in Cleveland to Cleveland Broadcasting Inc. (WERE), charged the Commission improperly inferred Cleveland Broadcasting to be better qualified to operate the station, including the ground of greater diversification of the media of mass communication.

KSEO, 250-w daytimer on 750 kc, contended the grant of KACE, 10 kw day, 5 kw night on 740 kc directional, will cause the Durant station to lose 34.4% of the area and 41% of the population within its normally protected contour. The loss represents 69.5% of the population residing within KSEO's remaining interference-free service area, the station told the court.

Both KSEO and KACE are Class II stations, the Durant outlet argued, and FCC illegally deprived KSEO of protection in making a grant which would cause the amount of interference alleged. KSEO contended FCC violated its own rules and engineering standards, as well as the Administrative Procedure Act, in making the Dallas grant.

The Huntington Park applicant told the court that FCC specified Sec. 307(b) of the Communications Act (requiring equitable distribution of stations) would apply, but then concluded it was unable to distinguish between Huntington Park and Los Angeles on the basis of that section. The appellant states that at no point does the Commission detail how it arrived at such a conclusion and asked the court to reverse the decision and remand the case to FCC.

FCC told the court it properly concluded both applicants sought to serve the same metropolitan district, Los Angeles, and hence felt the grant should go to KPOL for 5 kw day on 1540 kc. FCC's view was supported by KPOL's brief.

Scripps-Howard, which owns WEWS (TV) Cleveland, charged FCC improperly failed to base its conclusions upon a composite consideration of the material differences between appellant and Cleve-

KOZY DELETED

PIONEER FM station KOZY (FM) Kansas City, owned by Everett L. Dillard's Commercial Radio Equipment Co., was deleted effective Feb. 15, the FCC reported last week. Done at the request of the licensee, the action was motivated by economic reasons, the Commission said.

KOZY, Class B outlet on Channel 251 (98.1 mc) with effective radiated power of 9.7 kw, has been off the air for about a year, ever since the station lost the lease on its site, Mr. Dillard explained last week.

Mr. Dillard also is licensee of WASH (FM) Washington, another pioneer FM outlet "which will continue from where KOZY left off," he said. Difficulty in supervising KOZY's operation from Washington also was mentioned by Mr. Dillard.

Mr. Dillard was one of the moving forces behind formation of the FM Assn., which now has been merged with NAB. He is an ex-FMA president.

Kansas City now has only one authorized FM station in operation, KCMO-FM, which is a Transit Radio outlet. A Class B station on Channel 235 (94.9 mc), it is owned by KCMO Inc.

Mr. Dillard put KOZY on the air in 1942 as K49KC, operating in the former FM "low band" near 50 mc. Much of the know-how used in establishing KOZY as a pioneer FM outlet came from Mr. Dillard's engineering work and experimentation with FM and high frequency AM during the 1930s. Many of his findings are included in the records of FCC's 1938 FM hearing.

WASH (FM) went on the air

F. M. MCGIVERN

Named New WCFL Manager

FRANK M. MCGIVERN, publicity and promotion director of WCFL Chicago, has been promoted to station manager and administrative assistant to William A. Lee, president of the Chicago Federation of Labor which owns the station.

Mr. McGivern joined the station before the war as an announcer, in which capacity he had worked previously. After four years of Army service, he returned to WCFL as publicity director. As station manager, he fills a vacancy created two years ago at the resignation of Howard Keegan.

land Broadcasting. Scripps-Howard, under common ownership with the Cleveland Press, told the court if it was to be discriminated against because of newspaper affiliation, this policy must be set by Congress, not FCC.

FCC argued its conclusions considered all proper comparative factors and its findings were appropriate grounds for decision. FCC also said its newspaper policy has been long standing and supported by the court in many previous cases. Cleveland Broadcasting's brief supported and supplemented FCC's position.

Pioneer FM Station Turns in License

FCC APPROVES Sale of KGW Portland

APPROVAL was granted by FCC last week to the \$350,000 sale of KGW Portland, Ore., to the family of Samuel I. Newhouse, owner of WSYR-AM-FM-TV Syracuse, N. Y., and newspaper publisher [BROADCASTING • TELECASTING, Dec. 18, 1950].

Assigned 5 kw on 620 kc, KGW is licensed to Pioneer Broadcasters Inc. All stock in this firm is acquired by Mitzi E. Newhouse, Samuel I. Newhouse Jr. and Donald Newhouse, wife and sons of Mr. Newhouse. The senior Newhouse, who recently purchased the Portland Oregonian and who holds extensive newspaper interests in the East, will lend additional funds to his family to aid in the purchase of KGW.

Sellers of KGW include: The Scott Co., 230 sh.; Mr. F. W. Leadbetter, 169 sh.; E. B. McNaughton, trustee, 122 sh.; Georgiana G. Aston, 8-2/9 sh.; R. P. Gantenbein, 56-1/3 sh.; Rhoda J. Adams, 56-3/9 sh.; Portland Trust and Savings Bank, 48-1/9 sh.; Michael J. Frey, 10 sh.

★ under regular commercial operation in December 1946. Prior to that Mr. Dillard operated the station experimentally as developmental outlet W3XL.

WEBC LISTS

New Executive Appointments

APPOINTMENT of Clifford J. Lue, as sales manager, and of Earl Henton, as assistant manager, was announced last week by Walter C. Bridges, general manager of WEBC Duluth-Superior.

Mr. Lue joins WEBC with 10 years radio sales experience in the Head of the Lakes area. Married, Mr. Lue lives in Superior, Wis.

Mr. Henton, head of WEBC's news department since 1945, has been in radio since 1940.



Mr. Lue



Mr. Henton

WHOM-FM N. Y.

Goes on the Air Today

NEW YORK's newest frequency modulation station, WHOM-FM, will take to the air today (Monday) on Channel 222 with 11 kw.

The station will slant its programs toward foreign-language and other specialized audiences, Fortune Pope, president of Atlantic Broadcasting Co., New York, which owns and operates WHOM, announced. He indicated too, that the new FM station will try to reach large segments of the foreign language population which have either limited or no representation on the AM stations.

Starting today the station will be on the air 6½ hours daily, 2:30-9 p.m. For the first week it will duplicate the station's AM programs, but thereafter the programs from 4-8 p.m. will be directed toward the Negro and Spanish markets.

FCC BUDGET

House Unit Hears Request

FCC WAS SLATED to testify last Friday before a House Appropriations subcommittee in executive session on the agency's fiscal 1952 budget request [BROADCASTING • TELECASTING, Feb. 19, Jan. 22].

President Truman has asked Congress to approve \$6,850,000 for the FCC to carry on its operations. This figure represents an overall increase of 3.4% in the proposed allocation but a corresponding 1.4% decrease in funds for broadcast activities in comparison to fiscal 1951.

THE ONE FOR 1951

➔ See Centerspread This Issue ◀

ON THE AIR EVERYWHERE 24 HOURS A DAY

L.B. Wilson

WCKY

CINCINNATI

50,000 WATTS OF SELLING POWER