

FCC FIRES FIRST 'STRIKE' SALVO; ISSUES CP IN PINE BLUFF, ARK.

Stating that facts indicate the Ch. 7 bid of Arkansas TV Co. was not filed in good faith but to delay, Commission dismisses the application and issues grant to Central-South Sales Co. Grants for eight new TV and initial decisions in four cases also are reported.

FCC SPOKESMEN late last week predicted a wave of petitions protesting alleged "strike" or "block" television applications, stemming from the Commission's precedent order Thursday which granted vhf Ch. 7 at Pine Bluff, Ark., to Central-South Sales Co. and dismissed the competitive application of Gaylord Shaw trading as Arkansas TV Co. on the grounds the Shaw bid was a delaying action [B•T, June 8].

The same officials indicated the Commission may take action in the near future in additional cases involving "block" complaints. Investigation of such charges is underway, it has been reported earlier.

Flagrant cases, once uncovered and acted upon by FCC, may be referred to Justice Dept. for prosecution, Commission representatives have hinted.

Meanwhile, C. B. Collins, Washington attorney for Piedmont Radio Co., applicant for uhf Ch. 17 at Spartanburg, S. C., in contest with Sterling TV Co., disclosed a letter of June 10 to FCC Chairman Rosel Hyde protesting the story in the June 8 issue of B•T which described Commission efforts to act on alleged "strike" applications.

Claims Not Notified

Mr. Collins questioned the source of information that FCC is investigating the Piedmont Radio bid. He wrote that while Piedmont has petitioned FCC to designate the applications for hearing and to dismiss the Sterling bid, "no communication has been received from the Commission [about the petition] but rather an injurious magazine article has been published."

[Editor's Note: Competent FCC authority confirmed that the Commission has sent Piedmont Radio Co. a letter soliciting additional information on its application and circumstances concerning its filing.]

The Pine Bluff grant was made by the Commission last week promptly after expiration of the 10-day deadline for reply set forth in its McFarland letter to Mr. Shaw. The letter, sent registered air mail after FCC approval of its contents June 4, recited background concerning the Pine Bluff applications and the findings of the Commission's investigation of the case.

Not receiving a reply, the Commission majority comprising Chairman Rosel H. Hyde and Comrs. Paul A. Walker, George E. Sterling and Robert T. Bartley on Wednesday voted to grant the Central-South application and to dismiss the Shaw bid. The action was

made public Thursday.

FCC's letter to Mr. Shaw concluded "a study of the facts . . . would appear to indicate that your application was not filed in good faith or with intent to construct and operate the television station, but rather was filed for the purpose of delaying or hindering a grant of the mutually exclusive application of Central-South."

The successful Central-South Sales Co. principals are John T. Griffin, James C. Leake and John Esau, operators of KFPW Fort Smith, KTUL Tulsa and KOMA Oklahoma City.

Mr. Shaw is in the construction business at

**Texts of FCC's letter to Arkansas
Television Co. and Piedmont Radio
Co.'s letter to Chairman
Hyde appear on page 32.**

Dallas with Burnett Estes. The latter withdrew his competitive Ch. 7 application at Pine Bluff as Mr. Shaw tendered his bid for the same frequency. FCC's letter notes the engineering portion of the Shaw application duplicates that of the Estes bid.

Mr. Estes still has pending an application at Fort Smith, Ark., for vhf Ch. 5 under the name of Razorback TV Co. It was filed in mid-January and is in contest with the Ch. 5 applications of American TV Co. and George T. Herrreich. Both of the latter were filed in July 1952.

Aside from its ruling in the Pine Bluff case, FCC granted a total of eight new TV stations last week and announced initial and final decisions in several hearing cases, pointing up its current concentrated effort to break the pending log jam of contested applications.

Six of the new grants resulted from FCC's new policy to act immediately on survivor applicants in contested cases following dismissal of the mutually exclusive applicant.

The new TV grants follow:

Little Rock, Ark.—Arkansas Radio & Equipment Co. (KARK), granted vhf Ch. 4 with effective radiated power of 100 kw visual and 50.1 kw aural, antenna height above average terrain 1,900 ft.. Ch. 4 competitor Arkansas TV Co. (includes KWKH Shreveport and KTHS Hot Springs principals) amended to enter vhf Ch. 11 contest with bids of Wrather, Hill & Alvarez and KLRA Little Rock.

Bakersfield, Calif.—Kern County Bestrs.

(KERO), granted vhf Ch. 10, ERP 11.7 kw visual and 5.89 kw aural, antenna 380 ft. Lemert Bestg. Co., which includes Jack Benny as part owner, dropped its Ch. 10 application.

San Jose, Calif.—John A. Viator Jr., granted uhf Ch. 48, ERP 107 kw visual and 58.9 kw aural, antenna 2,640 ft.

Quincy, Ill.—Quincy Bestg. Co. (WGEM), granted vhf Ch. 10, ERP 316 kw visual and 158 kw aural, antenna 680 ft. Lee Bestg. Co. (WTAD) gave up its Ch. 10 bid because of purchase of nearby KHQA-TV Hannibal, Mo., new Ch. 7 grantee [B•T, June 15].

Albuquerque, N. M.—Alvarado Bestg. Co. (KOAT), granted vhf Ch. 7, ERP 22.9 kw visual and 12.9 kw aural, antenna 770 ft. Greer & Greer, grantee for KTVK (TV) on vhf Ch. 2 at Santa Fe, dismissed its Ch. 7 application at Albuquerque.

Cleveland, Ohio—Cleveland Bestg. Inc. (WERE), granted uhf Ch. 65, ERP 204 kw visual and 110 kw aural, antenna 650 ft. WGAR fortnight ago withdrew its Ch. 65 application [B•T, June 1].

Houston, Tex.—Shamrock Bestg. Co. (KXYZ), granted uhf Ch. 29, ERP 1,000 kw visual and 501 kw aural, antenna 670 ft. John B. Hill, former part owner of KOTV (TV) Tulsa, dropped his Ch. 29 application.

Pine Bluff, Ark.—Central-South Sales Co., granted vhf Ch. 7, ERP 24.5 kw visual and 13.2 kw aural, antenna 510 ft. FCC dismissed competitive bid of Arkansas TV Co. upon concluding it was filed to delay a grant to Central-South.

In the hearing case actions, FCC announced:

- Initial decision by Examiner James D. Cunningham looking toward grant of vhf Ch. 4 at Denver to Metropolitan TV Co. (KOA) and denial of the competitive bid of KMYR. The decision would require Metropolitan, within 30 days after final decision, to furnish "concrete proof" of the removal of all presently existing conditions under which NBC has an ownership interest and a controlling status therein through loan agreement for \$1.25 million to Bob Hope Productions Inc. [B•T, May 25].

KOA Programming

The examiner concluded KOA better demonstrated that local program plans would be carried out, despite KMYR's higher percentage of stock ownership and operation integration. He ruled the NBC loan provisions, termed control by FCC's Broadcast Bureau, do not disqualify KOA. Hope Productions plans to settle the loan upon final grant.

- Recommended grant of vhf Ch. 6 at Portland, Ore., to Mt. Hood Radio & TV Bestg. Corp. (KOIN) in initial decision by Examiner Elizabeth C. Smith. Competitive bid of KGW would be denied since, through new merger agreement, KGW owner Samuel I. Newhouse Jr. may buy 50% of KOIN after disposing of KGW [B•T, June 8, May 25].

- Proposal to grant uhf Ch. 27 at Harrisburg, Pa., to Rossmoyne Corp. (WCMB Lemoyne, Pa.), in initial decision by Examiner William G. Butts, which would deny competitive application of WHGB. Examiner cited Triangle Publications, Inc.'s (WFIL-AM-TV Philadelphia) 50% interest in WHGB and indi-