

MEDIA MERGER BEARS ON TV CASE—FCC

Commission rules printing-business agreement between two newspapers is relevant to Shreveport vhf ch. 3 case in action upon KTBS petition for subpoena to require Times-owned KWKH to produce merger pact.

MERGER agreement between two local daily newspapers for publication of both by a single firm is relevant to mass media considerations in a comparative television case, FCC has ruled in the Shreveport, La., vhf ch. 3 hearing. Contest involves KTBS and Times-owned KWKH there.

According to the text of a Dec. 4 ruling issued last week, FCC reversed a hearing examiner's decision and approved KTBS' request for a subpoena to require KWKH to produce a "merger" agreement between the Shreveport Times and Journal. KTBS contended the testimony of William H. Bronson, KWKH president, was insufficient respecting the agreement and asked that the pact itself be submitted.

KTBS contended the agreement is relevant, FCC said, "because the two publishing companies publish the only major newspapers in Shreveport and because Times Pub. Co. Ltd. will be business agent for both newspapers and control [KWKH] as well. Facts are desired as to the effect of the merger upon competition and upon the public and advertisers and the possible consequent increase in the degree of control over media exercised by Times."

Cites 'Picayune' Case

The examiner had refused to issue a subpoena for the agreement, citing the Supreme Court's ruling in the New Orleans Times-Picayune case that joint publication did not violate the antitrust laws. FCC's reversal decision, however, said Shreveport is a different city and the facts could not be assumed to be the same.

"In any event," FCC said, "the law is clear that the Commission is not barred in its licensing procedures from considering the question of the effects of control of mass communication media merely because the activities relevant to this control have not been or could not be adjudged in violation of the antitrust laws. . . . It is equally well settled by Commission decisions too numerous to mention that control of the media of mass communication is a material factor of comparison between competing

applicants for broadcast radio and television facilities."

FCC refused KTBS' request that the studio proposal by KWKH be put in issue because the parties stipulated at the start of the hearing not to do so. The Commission noted it initially had found the studio proposals of both to be satisfactory.

In two other television cases, FCC approved petitions for enlargement of the issues to determine whether the funds available to the applicants "will give reasonable assurance that the proposals set forth in the application will be effectuated." The Commission approved this request by Superior Television Inc. in the vhf ch. 10 case at Corpus Christi, Tex., which also includes KEYS and KSIX there, and the petition of Sangamon Valley Television Corp. in the vhf ch. 2 case at Springfield, Ill., which also involves Capitol City Television Co. and WMAY-TV Inc.

Petitions Denied

FCC turned down a petition by Woodward Broadcasting Co. for review of an examiner's decision refusing amendment of its application in the Detroit uhf ch. 50 hearing with Booth's WJLB there. The Commission also denied petitions by Brush-Moore Newspapers Inc. for review and reversal of certain examiner's rulings in the uhf ch. 29 case at Canton, Ohio, also involving Tri-Cities Telecasting Inc. and WCMW Canton.

In the vhf ch. 8 case at Des Moines, FCC denied a petition by Cowles' KRNT to enlarge the issues concerning availability of funds to competitor KSO. FCC was satisfied the funds are available to KSO despite the death of former sole owner Kingsley Murphy in March 1953.

WTRI (TV) Move Contested

WROW-TV Albany, N. Y., has objected to the application of WTRI (TV) Schenectady, N. Y., to move its main studio location to Menands, N. Y.

WROW-TV, uhf ch. 41 permittee, protested that if uhf ch. 35 WTRI were permitted to locate its main studio in Menands, adjacent to Albany, it would in effect become an Albany station. WROW-TV contends that this added competition in the Albany market "may well impair its ability to survive" and that "the public interest in the area will suffer."

FCC Staff Puts Finishing Touches to Color Order

FCC's staff worked last week at polishing up its final report and order on compatible color tv standards, but was unable to meet with the Commission due to the latter's heavy schedule of other work.

Paper work is virtually concluded on a final draft of the 20-odd page report, which will also contain two appendices that together run half again as many pages, it is understood.

When submitted again to the FCC at the next session on color (possibly this week), the report and order will be in final form and, it is believed, will be ready for adop-

tion. The order will become effective 30 days after publication in the *Federal Register*.

Among the subjects in which particular care is being taken in the final version of the report, it is understood, are cost and complexity of station and receiving apparatus, susceptibility to co-channel and adjacent-channel interference, quality of color fidelity and picture resolution, and the compatibility and "reverse" compatibility features of the NTSC system. Also taken cognizance of, according to best information, are some patent questions which, it is understood, were not considered too serious.

Examiner Proposes Ch. 8 Grant to WISH

INITIAL decision proposing to grant vhf ch. 8 in Indianapolis to WISH there was issued last week by FCC Hearing Examiner Annie Neal Hunting.

The proposal came after competing applicant Crosley Broadcasting Corp. (WLW, WLWT [TV] Cincinnati; WLWC [TV] Columbus; WLWD [TV] Dayton, and WLWA [TV] Atlanta) dropped out of the contest, leaving WISH unopposed. Crosley then immediately filed a new bid specifying ch. 13 instead.

The three competitors for vhf ch. 13 at Indianapolis, WIRE, WIBC and Mid-West Television Corp., have protested the Crosley channel change, asking FCC to disqualify the new bid for ch. 13 [B•T, Dec. 7].

The joint petition by WIRE and WIBC contended Crosley's ch. 8 dismissal petition did not disclose its intention to file for ch. 13 and "such failure to disclose . . . rendered the reason given by it as misleading."

They argued further, "Considering the period of time during which Crosley's application for ch. 8 was pending and the fact that the ch. 13 application, also long pending, are expected to be designated for hearing shortly, it appears inconceivable to [WIRE and WIBC] that the motions Commissioner would have granted the dismissal without prejudice had he known all the reasons upon which the Crosley request was based."

A motion to strike the petitions for review was filed by Crosley with the FCC late last week on the ground "the petitioners are not parties in interest" to the ch. 8 proceeding.

In it Crosley argued that the sole and exclusive purpose of its petition for dismissal without prejudice of its ch. 8 bid was "to avoid the prohibition against the filing of another application," and that "full and adequate bases for the granting of this petition were set forth in complete candor." Principals in WISH:

President C. Bruce McConnell (54.98%), Vice President Robert B. McConnell (0.09%), Second Vice President Stokes Gresham Jr. (0.45%), Treasurer Frank E. McKinney (14.53%), Secretary Earl J. Schmidt (14.01%), Frank M. McHale (9.45%), John R. Atkinson (0.01%) and Owen Bush (2%).

FCC Allocates Three New Vhf Channels

THREE additional vhf channels have been allocated by FCC following conclusion of rule-making proceedings. In final rulings, effective 30 days after publication in the *Federal Register*, the Commission added ch. 7 minus to Carthage, N. Y., ch. 13 minus to Bemidji, Minn. and ch. 12 to Ironwood, Mich.

At the same time, FCC amended the offset requirement of ch. 7 at Calais, Me., to minus, substituted ch. 11 for ch. 13 minus at Fargo, N. D. and substituted uhf ch. 33 minus for ch. 12 minus at Iron River, Minn. Ch. 11 at International Falls, Minn., was changed to plus.

WWNY-TV Watertown, N. Y., uhf ch. 48 permittee had announced in September that it had ceased construction pending disposition of the proposed allocation of vhf ch. 7 to nearby Carthage [B•T, Sept. 28]. John B. Johnson, president of the Brockway Co., ch. 48 grantee, said an application for the new ch. 7 facility at Carthage would be filed soon.

In another action, FCC announced proposed rule-making to add a second tv channel for Zanesville, Ohio, by allocating uhf ch. 18 minus to that city. The bid is supported by the petition of WHIZ-TV, uhf ch. 50 permittee there.