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**NBC'S NEW AM ALARMS BARTLEY**

Text of Comr. Bartley's dissent of Commission approval of the NBC purchase of WJAS-AM-FM Pittsburgh (see page 74).

"This proposed transfer will give NBC its seventh am station in the major markets of this country.

"In my opinion, the seriousness of the policy questions raised by this transfer requires that the Commission seek, through a public hearing, the data and information which will enable it to determine whether the proposed transaction meets the statutory criterion of being in the public interest, convenience and necessity.

"The two major issues presented here are (1) the impact which ownership and operation of this station in Pittsburgh by NBC will have upon the competitive broadcast structure, and (2) its impact on the formulation of policy, currently under study in several governmental quarters, with respect to network ownership of broadcast stations and multiple ownership, in general, of broadcast facilities.

"With respect to the first issue, it would appear that the Commission must, through the development of all the facts on a hearing record, first determine whether ownership and operation by NBC of this facility in the eighth largest market, and its shift from independent to network ownership, would tend to lessen competition among the Pittsburgh stations for national, regional, local and spot advertising, and whether the changes which will take place in the programming of the stations involved will better serve the interests of the public and advertisers in the area in terms of its availability as a local outlet.

"Equally significant at this particular time is the fact that active consideration is being presently given to a re-examina-

tion and possible re-definition of Commission policy and rules and regulations regarding multiple ownership of broadcast stations in general and network ownership and operation in particular.

"The Commission's Network Study Group, it is expected, will soon present to the Commission its report on the entire problem of multiple ownership by networks and others (see page 31).

"In the context of these developments, it should be emphasized that the proposed transaction represents an expansion of the holdings of this network to the *maximum* presently allowable in am and tv and, when added to its present complement of high power, clear channel am stations and its tv facilities, further aggravates what I have heretofore considered to be an undue concentration of control of the media of mass communication. In this connection it is to be noted that the Department of Justice is currently engaged in antitrust litigation against NBC in which it is seeking, among other things, divestiture by the network of stations acquired by it in Philadelphia from an independent licensee. Moreover, there has been no satisfactory showing in these applications before us of the factors considered necessary to justify network ownership and operation of stations in a new market.

"In my view, the Commission should not at this time permit the acquisition by a network of an important broadcast facility in a major market—which does not presently have a network owned-and-operated station—without first obtaining through a hearing record the necessary data and information upon which it can determine whether a grant of the application would, in fact, serve the public interest, convenience and necessity."

**Appeals Court Remands Grant For ABC-TV, XETV (TV) Tie-up**

The U. S. Court of Appeals in Washington last week ordered the FCC to reconsider its October 1956 grant to ABC-TV giving that network authority to transmit live programs to XETV (TV) Tijuana, Mexico. The Commission erred in not considering XETV's programming standards, the court ruled in staying the ABC-XETV affiliation.

The two San Diego stations, KFMB-TV and KFSD-TV, had protested the FCC action and the court's ruling came following an appeal by KFMB-TV. The ch. 6 Tijuana station can be received in San Diego.

"Obviously, American network programs would make XETV a more attractive station to its San Diego viewers and the larger audience it would attract would also be available to it for its locally originated programs," the court opinion stated.

"While the Commission has no power to prevent XETV from broadcasting to San Diego locally originated programs which are objectionable by American standards, it has

power to refrain from issuing a permit which would give those programs a larger American audience."

**Hobby's Beaumont Deal Defended**

FCC's Broadcast Bureau is maintaining that Houston broadcaster-publisher W. P. Hobby's financial arrangement with ch. 6 KFDM-TV Beaumont, Tex., does not disqualify that outlet from keeping its grant. The Bureau's position was taken during oral argument last week before FCC on exceptions to the second initial decision in the controversial ch. 6 hearing—in which the examiner recommended withdrawing the grant from KFDM and awarding it to KRIC-Beaumont Enterprise and Journal [B·T, April 1]. At issue is the 1954 award to KFDM and subsequent arrangement whereby KTRM Beaumont withdrew in exchange for \$55,000 out-of-pocket expenses and Mr. Hobby received option to 32.5% interest in the new licensee to run the ch. 6 outlet. Mr. Hobby had an option to buy 35% of KTRM should it have been successful in its application for ch. 6.