

## Examiner would refund line charges to WSAZ-TV

WSAZ-TV Huntington, W. Va., has won the first round in its fight for reimbursement of alleged excessive tariff charges by AT&T. FCC Hearing Examiner Herbert Sharfman issued an initial decision last week ordering AT&T to refund WSAZ-TV \$14,541.21, the amount paid by the station for NBC "playback" service during daylight saving time in 1958 and 1959.

Mr. Sharfman ruled that AT&T actually rendered the same service to the station (from Columbus, Ohio, to Huntington) during daylight saving time as before and consequently is not justified in characterizing the non-network (playback) programs as a separate service. Besides, he said, AT&T has not demonstrated why the programs should not be transmitted during saving time without extra charge. (During the period in question, the programs came on a delayed basis from Hollywood via Columbus rather than, as is customary, from New York via Columbus.)

WSAZ-TV has a similar complaint pending against AT&T for charges made last summer. That complaint, however, was not an issue in the instant case.

## Bar favors proposal for more examiner power

A proposed revision of the Administrative Procedure Act to give examiners of regulatory commissions power to issue final decisions was reviewed May 18-19 at hearings before a Senate Judiciary Subcommittee headed by Sen. John A. Carroll (D-Colo.).

Whitney North Seymour, president of the American Bar Assn., and other ABA witnesses favored the idea, designed to speed up the regulatory process, but urged substitution of proposed ABA legislation calling for wider revision of administrative codes. Sen. Carroll feared ABA would create "a jungle of confusion wrecking many long-established precedents."

The Carroll bill (S 1734) would provide the right of appeal to the full commission but only on specific grounds. It would discourage backdoor deals at regulatory agencies, Sen. Carroll said. He has also introduced measures to impose stiff criminal penalties for influence-peddling deals and to provide codes of ethics for government officials.

## The FCC last week...

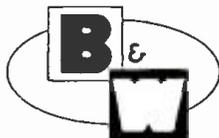
- Denied a petition by KLFT Golden Meadow, La., for reconsideration of show cause order looking toward revocation of the station's license (BROADCASTING, Jan. 23). At the same time, the commission granted a request from

its Broadcast Bureau that the hearing be enlarged to include an issue on alleged misrepresentations made to the FCC by KLFT's licensee, Leo Joseph Theriot. The hearing is scheduled to begin Wednesday (May 24) in New Orleans.

- Reinstated Dec. 22, 1959, grant to Idaho Microwave Inc. for microwave stations to furnish signals of Salt Lake City tv stations to a catv system in Twin Falls, Idaho. KLIX-TV Twin Falls had protested the grant, which then was set aside in February 1960. The KLIX-TV protest also was dismissed at the request of the station.

- Finalized rulemaking issued April 12 (and to which no objections were received) and reserved uhf chs. 69-73 in Southern Alaska Domestic Public for the use of the Alaska Telephone Co. to operate a troposphere scatter station on Annette Island (Ketchikan).

- Denied petition of ch. 5 KOCO-TV Enid, Okla., to identify itself as an Enid-Oklahoma City station. The station's transmitter is located approximately mid-way between the two cities which are 65 miles apart. Commissioners Rosel H. Hyde, T. A. M. Craven and John S. Cross voted for the dual identification.



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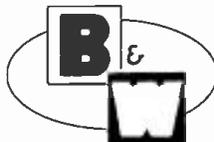
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