



Mr. Shapp



Mr. Merrill

dustry is to be regulated, it should have equal status with the broadcasting industry as part of a comprehensive program . . . to give people diversity of programing," he added.

Cable antenna systems are not parasites feeding off television, Mr. Shapp asserted. "It is true that CATV depends upon broadcasters to supply the

signals it receives and distributes to subscribers . . .," he commented. "The signals are in the atmosphere. CATV operators invest large sums to pick them up. Profit is made by rendering a service to subscribers who would not pay a plugged nickel for this service unless they felt it was of value to them."

The FCC proposals, he said, would make broadcasters "the lords and masters" to determine what programs people should see.

He derided the notion that CATV puts stations off the air. This has never happened, he said. Then he added:

"In the next 10 years perhaps 100 million new TV sets will come into operation. A large percentage will be portable . . . it is entirely likely that even if all the homes in American cities were to be wired by CATV, there would still be more TV sets receiving off-the-air pickup in 1975 than there are today."

KWTX-TV wants CATV applications dismissed

KWTX-TV Waco, Tex., which is partially owned by President Johnson's wife and two daughters, urged the FCC last week to dismiss, or at least designate for hearing, four microwave applications that propose to serve as many community antenna TV systems within the station's city-grade contour.

The KWTX-TV protest involves Telephone Utilities Service Corp. of Killeen, Tex., which has applications pending for microwave facilities to serve CATV systems in McGregor, Temple, Waco and Belton, all Texas (BROADCASTING, May 31).

A 29% interest in KWTX-TV is held by Texas Broadcasting Corp. of which the Johnson family is majority owner.

In a petition filed two months ago, prior to the FCC's adoption of its new rules protecting local TV stations from microwave-fed CATV's, KWTX-TV had asked the commission to defer action on TUSCO's applications pending the outcome of the rulemaking.

However, with the protection now assured local TV stations by the newly adopted rules, it was felt that the conflict between KWTX-TV and TUSCO might be resolved without the FCC having to intervene.

In its latest petition filed last week, however, KWTX-TV said that despite the protection now afforded the station by the rule, TUSCO's application must be either dismissed or set for hearing since the company has failed to show a need for the service.

KWtx-TV pointed out that TUSCO, in its applications, failed to show that the company has any commitments for the proposed service with any of the CATV's and therefore the commission cannot find that a grant would serve the public interest.

RKO gives up on Philadelphia

Dropping of court appeal paves way for swap back between Westinghouse, NBC

The end of the Philadelphia channel 3 fight appeared in sight last week, following RKO General Inc.'s decision to drop out of the contest.

RKO on Thursday (June 3) withdrew its court appeal from the FCC decision that, in effect, directed NBC to swap back its Philadelphia stations, WRCV-AM-TV, for Westinghouse Broadcasting Co.'s KYW-AM-FM-TV Cleveland (BROADCASTING, Aug. 3, 1964).

RKO had hoped to acquire the Philadelphia stations through a trade for its Boston properties, WNAE-AM-TV and WRKO-FM. NBC entered into an agreement with RKO in 1960 as a means of meeting the terms of a court-entered consent decree to dispose of the Philadelphia properties.

But the commission, in directing the NBC-WBC swap, declared the proposed Boston-Philadelphia exchange was "moot."

The RKO notice of withdrawal from the case, filed with the U. S. Court of Appeals, in Washington, gave no reason for the action. And company offi-

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