

the station manager alone should decide whether or not to telecast a program.

There were rumblings earlier in the week that producers associated with NET might stage some demonstration or create controversy. The proposed guidelines were said to be a source of unhappiness among some producers. Also, a dozen producers protested that PBS had not submitted for Emmy nomination a NET documentary titled *The Bankers and the Poor*.

Mr. Gunn said *The Bankers and the Poor* has been appraised on private assignment from PBS by Stephen Farber, a political scientist, who had found errors in its content.

Promises, promises swing it for D&B

A promise to draw on experts who would be available for help in producing program series that would appeal to viewers from the post-diaper set to the geriatric division helped see Corinthian Broadcasting Corp. and Dun & Bradstreet Inc. through to FCC approval of their merger (see this page).

The parties spelled out their post-merger plans in an amendment aimed at making the "compelling public-interest showing" required by the top-50 market policy.

Among other things, the parties said that, six to 12 months following the merger, Corinthian stations would air a series of 26 half-hour color television programs entitled *Let's Find Out* that would be aimed at entertaining and informing pre-school children. The series has already been planned, they said.

Another proposed series—of 65 installments, three to five minutes in length—would be produced with the aid of D&B's Life Extension Institute Inc., which is dedicated "not only to the prevention of disease but to its earlier discovery."

In addition, the applicants said Corinthian stations would be able to make use of the talents and experience of the editors and staffs of the 18 trade, professional or specialty journals published by D&B's Reuben H. Donnelly Corp.

ACT's version of moratorium

Action for Children's Television has designated May 1 (Saturday) a day of protest for parents who complain about the poor quality of commercial TV programs for children. ACT is urging parents to turn off their TV sets and keep them dark that day. ACT said its members also will be collecting signatures on petitions and will be asking parents to write letters to the FCC before May 3, the deadline for comment in the commission's inquiry into children's television.

Corinthian-D&B deal approved

Houser, FCC's freshman commissioner, provides swing vote in 4-3 decision

Freshman FCC Commissioner Thomas J. Houser, who had hesitated when the issue was before the commission the week before, last week voted yes, and the proposed \$100-million-plus merger of Corinthian Broadcasting Corp. into Dun & Bradstreet Inc. was approved.

Mr. Houser provided the margin in the 4-to-3 vote that authorized the transfer of Corinthian's five television stations—KOTV(TV) (ch. 6) Tulsa, Okla.; KXTV(TV) (ch. 10) Sacramento, Calif.; KHOU-TV (ch. 11) Houston; WISH-TV (ch. 8) Indianapolis, and WANE-TV (ch. 15) Fort Wayne, Ind.—to the broadly based data and business information-service company.

The action involves the exchange of a .675 share of D&B for each share of Corinthian's 3.4 million shares outstanding. The merger, valued at \$134 million at the time it was first announced, in December 1969 (BROADCASTING, Dec. 8, 1969), had a market value, on Wednesday, the day of the commission action, of \$137 million. Corinthian closed Wednesday at 38½, up 2¾ on the day. D&B closed unchanged at 60.

John Hay Whitney, who was principal shareholder in Corinthian, and his associates will emerge as owners of the largest block of post-merger D&B stock—7.1 percent. Mr. Whitney, well-known as a contributor to Republican causes, was U.S. ambassador to Great Britain during the Eisenhower administration.

The commission split was along party lines, with Commissioner Houser joining fellow Republicans Dean Burch, Robert E. Lee and Robert Wells in the majority, and with Democrats Robert T. Bartley, Nicholas Johnson and H. Rex Lee dissenting. It also followed the lead of prior performance: With the exception of Commissioner Houser, who has yet to compile a track record in such matters, the commissioners on both sides appear to have voted as their positions in previous transfer cases would indicate.

A week earlier, the commission appeared to be evenly divided, with Commissioner Houser holding back and asking for additional time to consider the matter ("Closed Circuit," April 12). In November, before Mr. Houser joined the commission and brought it up to full strength, the six members had split, 3-to-3, on the merger, then asked the parties to supply additional information (BROADCASTING, Nov. 30, 1970).

And in approving the five station transfers last week, the commission

cited some of the information the parties supplied. It said the parties had made the "compelling public interest showing" required by the agency's top-50 market policy—a showing the parties had originally said was not required since the merger would not result in a change in the number of stations under common ownership. The policy applies when more than two VHF stations are acquired in the top 50 markets.

The commission said D&B's planned improvements in children's, health and preventive-medicine programs "are significant" and that plans for additional programming, which D&B said would be made possible through the expertise it has acquired through publication of its various trade and technical journals, would help bring about further "significant program improvements." The commission also cited what it said was D&B's potential—in terms of expert personnel and finances—for strengthening the Corinthian stations.

Three parties—WLFJ-TV Lafayette, Ind.; LVO Cable Inc., a partner in an applicant for a Tulsa CATV franchise, and Anthony R. Martin-Trigona, a frequent challenger to transfer applications—opposed the merger, principally on anti-competitive grounds.

However, the commission said it was satisfied there would be no lessening of competition among stations. It said the merger does not involve competitors and that competition would not be reduced by merging the Corinthian stations with D&B's resources.

The commission said it was reasonable to assume that the merger may enlarge the stations' capacity to compete—but that, it said, was the purpose of the merger. It added that nothing indicates that Corinthian will dominate the markets in which it operates.

Furthermore, the commission, citing additional information supplied in response to its November request, noted that the Justice Department's antitrust division has indicated it does not intend to initiate an antitrust action if the merger is approved. Accordingly, the commission said, "we think there is a substantial basis for inferring that our judgment on the various competitive factors we have considered under the public interest standard is correct."

The commission also said the merger will not unduly concentrate mass media ownership because the merger "adds nothing in the way of new mass media interests."

But Commissioner Bartley, in a dissenting statement in which Commis-