

All the way

At high levels in FCC there's growing sentiment for showdown, in Supreme Court if necessary, over role U.S. Court of Appeals has been playing in license-renewal proceedings. One tactic under consideration: release of new policy statement eliminating from renewal challenges any issue related to ownership structure of license, as long as it conforms to FCC rules. Aim is to restore part of protection incumbents lost when appellate court reversed FCC's 1970 policy statement last June (BROADCASTING, June 14, 1971, et seq.). If new statement suffered same appellate-court fate, it's now reasoned, there'd be better-than-even chance to get appellate court overturned in Supreme Court with its present composition.

It was freak decision by closely divided FCC back in 1969 that led to adoption of corrective 1970 policy statement. When commission voted, 3 to 1, to take Boston channel 5 from *Herald-Traveler* and give it to rival applicant, principally on grounds of diversification of media control, it as much as announced open season on renewal applicants associated in multi-media ownerships. (At time this issue of BROADCASTING went to press, WHDH case was still before appellate court with decision expected any time on FCC request for remand and reconsideration.)

Nippon's hardware

Highly qualified U.S. observers think Japanese may become major force in video-cassette field (which CBS just quit as hardware marketer by giving up its EVR system [see page 16]). Willingness of Japanese bankers to underwrite R&D and acknowledged ability of Japanese manufacturers to produce high-quality product at low labor cost are considered strong advantages. There's talk too of Japanese invasion of U.S. cable-television market, now in prospect.

Chairman Johnson?

If Democrats should win in this year's elections, who would be likely FCC chairman? Elevation of Nicholas Johnson is not to be dismissed out of hand. He'll be senior Democrat by then. He also has friends in influential places. Most important is Joseph Califano, general counsel of Democratic National Committee, who at time of Johnson appointment to FCC in 1966 was one of

top aides of President Lyndon B. Johnson. He urged Nick Johnson appointment and is his ardent backer now.

There's also close relationship between Commissioner Johnson and Bill Moyers, former press secretary to LBJ, who also lobbied for original appointment. Mr. Moyers, whose job as \$75,000-a-year commentator on NET (division of Education Broadcasting Corp.) is involved in current controversy over public-broadcasting salaries, in interviewing commissioner on NET Dec. 29, said of his former Texas University classmate: "Whether you agree with Nick Johnson's tactics, philosophy or powers of prophecy, he has been and remains someone to reckon with in the communications industry."

Educated guess

Gut decisions will be made by 15 directors of Corporation for Public Broadcasting at meeting in Washington Jan. 21, involving future of structure that used to be called ETV. With permanent funding (five-year plan on order of \$100 million per year) adjudged forlorn hope, outlook is for reappraisal of whole news policy, with curtailment of networking of big-name commentators and emphasis on local programming on instructional lines rather than horizontally competitive entertainment-type programming.

Congressional leaders of both parties now are believed to incline toward year-to-year financing of local stations and programming, to be channeled through CPB, which itself would constitute change in current modus operandi of CPB. Under this election-year approach consideration of permanent funding would be deferred until 1973, at earliest.

Extended carriage

FCC is considering modification of its CATV rules to answer one complaint of television broadcasters in sparsely populated areas. Isolated cable systems now outside TV-market zones and hence immune to rules requiring station carriage and nonduplication would be obliged to carry all stations with "significant viewing" in cable systems' home communities and to protect such stations against program duplication. "Significant viewing" standards would be those in FCC's letter of intent as modified by recent broadcast-cable-copy-right compromise: 3% share and 25% net weekly circulation for network affiliates, 2% and 5% for independents.

It's believed this would guarantee Rocky Mountain broadcasters cable exposure and nonduplication they seek beyond 35-mile zone that is standard in proposed rules. How much practical value would ensue is questioned, however. Study whipped up by FCC's research staff found little correlation between profitability of small-market station and presence or absence of cable systems carrying its signal beyond 35-mile zone.

FM is number one

For what is said to be first time in any top-25 market, FM station has climbed to top of ratings in Miami. American Research Bureau's total-service-area report for October-November 1971 puts WLYF(FM) Miami on top in terms of average quarter-hour audience (listeners aged 12 and over), 6 a.m. to midnight, Monday through Sunday. In Miami metro area WLYF is second to Spanish-language WFAB(AM) Miami, but in total area it is first with average quarter-hour audience of 27,600 persons, followed by WIOD-AM Miami with 25,000 and WFAB with 20,600. WLYF reached top just one year after it introduced "beautiful music" programming of Stereo Radio Productions Ltd., program consultant and service firm headed by James A. Schulke and Phil Stout.

Messrs. Schulke, president of Stereo Radio, and Stout, vice president and creative director, also claim formidable performance in highly competitive Los Angeles radio market, where KJOI(FM) moved into third position—among 44 rated stations—in ARB October-November book. In both metro and total-area reports, KABC(AM) was first, KHJ(AM) second, KJOI third despite lightning strike said to have kept it off air for 25 hours starting first Sunday of rating period.

Bank night next?

Some time during 1972 broadcast year, NBC-TV will do at least three variations on its trend-setting two-hour, made-for-TV, *World Premiere* movies. One variation would be *Double Feature: World Premiere*, two 90-minute movies played back-to-back; another would be *Double Play: World Premiere*, two one-hour movies, having nothing to do with each other, played in two-hour time period; third would be *Triple Play: World Premiere*, three separate, slightly-longer-than-half-hour properties programmed consecutively in two-hour time period.