KOA stations next to bargain with minority group

Denver outlets agree to step up ethnic-oriented programing, hiring

An agreement was reached last week between KOA-AM-FM-TV Denver and a coalition of minority groups, providing for minority oriented programs on the KOA stations, and the coalition's promise to withdraw its petition to deny license renewal.

The coalition, including the Colorado Committee on the Mass Media, the Spanish Surnamed, the National Organization for Women, Mass Media Task Force, and Sundiata Inc., secured specific provisions for programing devoted to their needs. The agreement calls for 12 annual TV specials plus weekly half-hour programs devoted to minorities. Special segments on the existing *Area Four* program are to be devoted to the needs of women and American Indians. Also, radio programs in interview formats will be devoted to the interests of the various minorities.

According to John Grugle, community affairs manager at the KOA stations, the programing change was "just an echo" of the position already taken by the stations and attached to their application for renewal several months earlier.

Mr. Grugle believes if the renewal case had gotten to the FCC, the petition for denial lodged by the coalition would probably have been thrown out. What prompted the changes was not a fear of losing their license. says Mr. Grugle, but a genuine need to gain community support. As he sees it, "the handwriting is on the wall" in regard to broadcasters' need to cooperate with community groups as witnessed by the widespread agreements of other stations to provide for minority-oriented programing.

The sizable chunk of time now redirected to special programing will pose a financial loss, but Mr. Grugle feels in the long run a positive relation between a station and its public will help gain advertising revenue. The programs planned will be of broad enough interest to entice a mass audience, Mr. Grugle contends, and advertisers may then be more likely to buy time from that station.

Also part of the agreement was a commitment by the stations to provide for recruitment, training and a review of hiring practices where minorities are concerned.

FCC okays Stauffer buying and selling

FCC has granted the applications of Stauffer Publications Inc. for license renewal of KGNC-TV Amarillo, Tex. and for the assignment of that license to Cannan Communications Inc. for $2.5 million. The contract provides for an additional payment to Stauffer of $375,000 if within 10 years after the closing, station revenues average at least $1.5 million in any two consecutive years. If revenues average at least $1,650,000 in any two consecutive years, Cannan would deliver an additional $375,000. Buyers include D. A. Cannan and Darrold Cannan Jr. (together 95%), who formerly owned KDFX-TV Wichita Falls and KFDM-TV Beaumont, both Texas.

In a related action, the FCC approved the sale of KRNT-AM-FM Des Moines, Iowa, by Cowles Communications Inc. to Stauffer Publications Inc. for $1.15 million. Stauffer Publications' holdings also include WIBW-AM-FM-TV Topeka, KSOK(AM) Arkansas City, both Kansas, and KGFF(AM) Shawnee, Okla.

Landmark suffers setback at WTAR-TV

FCC orders another look into case to see if top-management change was in keeping with proposed renewal

An alleged failure to adequately report a change in station management has cost Landmark Communications Inc. a reopening of an FCC hearing in a challenge to renewal of its WTAR-TV Norfolk, Va. license.

The FCC last week ruled that Administrative Law Judge David Kraushaar should take another look at the lengthy case in which Hampton Roads Television Corp. is trying to unseat Landmark subsidiary WTAR Radio-TV Corp. as licensee.

The commission, at the urging of Hampton Roads, found that Landmark might not have completely complied with pertinent FCC rules and may have displayed a lack of candor in failing to report all the ramifications of the replacement of WTAR Radio-TV President Lee Coleman Kitchin. Mr. Kitchin was succeeded by William A. Geitz in April 1973—a month after Judge Kraushaar issued an initial decision recommending renewal of the station's license.

Hampton Roads maintained that the licensee knew of the impending management change well before it was officially reported to the commission (on April 27, 1973). It claimed the licensee's conduct constituted misrepresentation and grounds for dismissal of WTAR-TV's renewal application.

While the commission denied the existence of definite misrepresentation in the case, it said there is reason to doubt that the licensee had been totally candid in apprising the commission of the management situation at WTAR-TV. It noted that Judge Kraushaar's decision had been based, in part, on a favorable finding with respect to Mr. Kitchin's administration of the station and his numerous civic activities. Should Mr. Geitz prove to be inferior to Mr. Kitchin in this regard, the commission noted, the substance of Judge Kraushaar's findings could be significantly affected.

Accordingly, the commission instructed the judge to hold further hearings on the case to determine whether the licensee had been candid and if it had violated any rules in not fully explaining the change.

Court gets KHJ-TV case moving again

Fidelity wins claim that FCC can't uphold final decision on contested RKO facility pending outcome of proceeding involving another RKO outlet

The U.S. Court of Appeals in Washington has paved the way for Fidelity Television Inc., applicant for the Los Angeles ch. 9 facilities now occupied by RKO General Inc.'s KHJ-TV, to seek judicial review of an FCC decision in which RKO was judged the preferable applicant in the proceeding.

The court's unanimous decision was an unusual one in that Fidelity was arguing that the commission's December 1973 decision to renew the KHJ-TV license should stand as a final order.

But such a representation from the party on the losing end of the commission's decision last year is understandable considering the history of the eight-year-old proceeding. Fidelity was originally judged the preferable applicant for channel 9 by an FCC administrative law judge only to see that decision reversed by the commission.

In its December decision, the commission ruled that RKO's license for KHJ-TV "is deemed to be granted" pending the outcome of another comparative proceeding in which RKO is trying to hang on to its license for WNAC-TV (ch. 7) Boston. The commission found that allegations of illegal reciprocal trade agreements between RKO and its parent firm, General Tire & Rubber Co.—a major issue in the Boston case—could have a bearing on the ultimate resolution of the KHJ-TV proceeding. For that reason, the commission ordered that KHJ-TV's license will not be officially renewed, nor Fidelity's application officially denied, until the Boston case is resolved.

Fidelity argued before the court that the commission's December order must be considered final. Otherwise, it contended, its chances of acquiring channel 9 would be placed in limbo while a decision in the Boston case—which could be several years off—is awaited. The comparative merits of the Los Angeles proceeding, on which the commission based its December decision, could be resolved now, Fidelity claimed.

The court agreed. The history of the Los Angeles case, it said, "is one of inordinate delay which has considerably tried this court's patience." If the commission intended its December order to constitute only an interim decision and therefore not subject to court review—as the commission had argued—"we are at a loss to decipher why the commission undertook such a thorough review of each applicant's qualifications," the court said.

"The commission's attempt at this late stage to hinder Fidelity's efforts to obtain judicial review on the ground that its order is not final," the court concluded, "is perturbing, to say the least."