

for hearing "would probably kill" the deal.

Berl Bernhard, Mr. Allbritton's lawyer, said he could not "speculate" what would happen after Feb. 24. But, he said, "our intention is to go forward."

The commission's vote to reconsider did not reflect unanimous sentiment for a change of mind regarding the sale. Commissioners Robert E. Lee, who was absent from the meeting on Thursday (he was attending the 25th anniversary celebration of KOLN-TV Lincoln, Neb.), Abbott Washburn and Margita White are expected to stand by their original decision to approve. Commissioner White said as much regarding her position. Commissioner Quello presumably would join with the original dissenters—Commissioners Joseph Fogarty and Tyrone Brown—in seeking reversal of the commission's decision. That would leave Chairman Charles D. Ferris as the swing vote.

And he said he would probably reach "the same conclusion" on reconsideration that he did originally—that additional research had persuaded him of correctness of the legal basis of the original decision. But, he said, "I want to go through the process again without the *Star* [being a factor.]" It's understood he also wants to make certain that Mr. Allbritton was candid and above board in his representations to the commission.

A key question in the commission's decision to approve was whether the preferred nonvoting stock Mr. Allbritton would receive would place him outside the reach of the multiple and media-crossownership rules. (Mr. Allbritton is selling WJLA-TV in accordance with a condition attached to the commission's approval of his acquisition of WSCI in 1975 that he come into compliance with the rule banning newspaper-broadcast crossownership in the same market. Since, under his agreement with Time, he would remain as publisher and chief executive officer of the *Star* for at least five years, the question is whether that rule would continue to apply to him.)

Chairman Ferris said he had agreed with Commissioner Brown's interpretation of the rule that nonvoting preferred stock would insulate Mr. Allbritton from the rule. But, he said, "in view of how the rule had been interpreted" over the years, he decided to vote for approval "because of the representation" regarding the benefit that would accrue to the *Star*.

The commission's Broadcast Bureau stood by its original recommendation for approval of the WJLA-TV transaction, which did not turn on the question of the financial infusion the sale would provide the *Star*. (The representation of an aide to Mr. Allbritton indicating the agreement was structured in a manner designed to aid the newspaper, commission officials say, did not constitute a commitment on Mr. Allbritton's part.) Richard Shibben, chief of the Renewal and Transfer Division, said, "We feel you should let the order stand." However, he also said the commission might want to "reassess" its position in view of the changed circumstances.

## Network study set to roll at FCC in June

Million-dollar budget for 1978-79 is Ferris aim

FCC Chairman Charles D. Ferris's search for key members of a staff to conduct the long-stalled inquiry into allegations that television networks exercise undue influence in the industry was longer and more difficult than he anticipated. (His original deadline was 30 days after his swearing in, on Oct. 17, 1977.) But in Thomas G. Krattenmaker and Stanley M. Besen, whose appointments to serve as co-directors of the inquiry the commission announced on Feb. 10 (BROADCASTING, Feb. 13), Chairman Ferris would appear to have come up with men with strong credentials for the job.

Essentially, they are academicians with experience in how government operates. Mr. Krattenmaker, who teaches constitutional and antitrust law at Georgetown University Law Center, served for a year as chief of the evaluation division of the Federal Trade Commission's Bureau of Consumer Protection. Mr. Besen, who has taught economics at Rice University since 1965, has served as a consultant to the Office of Telecommunications Policy and other government agencies and has written widely on communications policy matters.

What's more, they appear to have the necessary enthusiasm to undertake what may be a difficult and lengthy responsibility (each has been given a two-year leave of absence from his respective university). Mr. Krattenmaker talks of the job as offering a "challenging and exciting opportunity." And Mr. Besen is "anxious" to begin.

But they will have to contain themselves for a while. Because of their teaching commitments, they will not be able to start work full time on the project until June.

For Mr. Krattenmaker, 35, the new post



Krattenmaker



Besen

will mean a return to government service after a period of six years. From 1971 until 1972, when he joined the Georgetown faculty, he was chief of the evaluation division of the FTC's Bureau of Consumer Protection. In that job, he examined areas of potential concern to the commission, and suggested remedies it could consider for dealing with any problems that were uncovered. (Nutritional advertising was one of eight or nine areas his unit looked into, and the resulting report evolved into a proposed rule to regulate nutritional claims in most food advertising.)

He has also had a taste of government-related work as a consultant—to the Review Panel on New Drug Regulation of the Department of Health, Education and Welfare, and to the FTC and the Consumer Product Safety Commission.

Mr. Krattenmaker received his BA degree in economics with high honors in 1965 from Swarthmore College and graduated from Columbia University School of Law, where he was magna cum laude and notes editor of the *Columbia Law Review*, in 1968. He was on the law school faculty of the University of Connecticut for two years until receiving an appointment as law clerk to Supreme Court Justice John M. Harlan.

Mr. Besen, 40, received a BA from City College of New York in 1958, an MA in 1960 and a PhD in 1964 from Yale, then began a career that took him to a teaching assignment at the University of California at Santa Barbara and then to a post as an economist with the Institute for Defense Analyses before joining the Rice faculty.

And over the years, he has become known in the communications policy-making establishment that includes academicians who serve as consultants to various agencies.

He served as a Brookings economic fellow at OTP from 1971 to 1972, and later served as a consultant there. He has also been a consultant to the Department of Defense and the Rand Corp. and received a National Science Foundation grant for communications policy research. What's more, he is a member of the national telecommunications policymaking task