said, the FCC has put a hold on the WDAS-AM-FM transfer application because those stations, owned by Max Leon, are themselves being investigated for similar charges.

William B. Ray, chief of the commission's complaints and compliance division, said he was "not sure" how the commission would act on the proposed merger. Under normal procedures, Mr. Ray said, the commission defers action on applications that "might go to a hearing."

One more snag develops in San Francisco station deal

Proposed three-way station sale, already under fire on programming grounds, is challenged with charges of ex parte contacts

A three-way FM station-transfer case that involves a proposal to open the door to station ownership in San Francisco to a black group and that is already complicated by a petition to deny filed by a local group concerned about losing a "unique" format has taken on another level of complexity:

It involves a charge, which has been denied, that the black group violated the commission rules by hiring two media activists to contact FCC personnel with a view to expediting commission action on the applications.

The stations—all in San Francisco—are CBS's KCBS-FM, Family Stations' KEAR(FM) and National Science Network's KMPX(FM). Under the plan, CBS would buy KEAR (more powerful than KCBS-FM) for $2 million; and Family Stations would buy KMPX for $1 million. KCBS-FM would be sold to Golden Gate Radio Inc. for $850,000 (BROADCASTING, Sept. 6, 1976).

Golden Gate is owned by Lloyd Edwards and his wife, Barbara, who are black. California law would normally be an argument in favor of commission approval of the three-sided transfer. However, the net effect of the changes would be the disappearance of KMPX's format featuring "big band" and jazz music of the 1920's, 30's and 40's. For Family Stations would continue its religious programming and CBS, its "mellowed sound," while Golden Gate would introduce an "adult contemporary" format.

It was to prevent the loss of KMPX's "unique" format to a local group, the KMPX Listeners Guild, was organized, and filed a petition seeking denial of the KMPX sale (BROADCASTING, Nov. 15, 1976).

And it was the guild that introduced the ex parte charge, which was based on a court suit the activists in question—Marcus Garvey Wilcher and Edwin Terry—filed in Oakland, Calif., municipal court against Golden Gate and PACT, a corporation that assists minorities in entering business. Messrs. Wilcher and Terry alleged failure to pay them the full amount they said Golden Gate was committed by a contract to pay them—$2,075, plus reimbursement for newspaper advertisements—for opposing the guild's petition and undertaking various efforts to expedite FCC appeal of the suit's findings, including "direct contact with [former] Commissioner Benjamin L. Hooks and influential staff members in the commission's Renewal and Transfer Division."

The contract was signed by the president of PACT, Louis M. Barnett, on Oct. 29, 1976. According to the suit, Golden Gate paid Messrs. Wilcher and Terry $1,000 but, on Nov. 16, 1976, notified them they "would no longer accept plaintiffs' services." The suit sought $1,075 "in lost earnings," as well as $3,000 for each of the plaintiffs "in loss of reputation and loss of awarding of other contracts." A settlement in the suit was reached two weeks ago.

The guild said that execution of the contract constitutes a violation of the ex parte rules, and warrants denial of the Golden Gate application—which would collapse the three-station sale. The guild is also seeking an order requiring Golden Gate to pay the guild's attorneys' fees.

Golden Gate said it could not be sold to Golden Gate Radio Inc. for $850,000 (BROADCASTING, Sept. 6, 1976).

John R. Purcell is named senior vice president, while Frank becomes chief operating officer of publishing division

Climbing the corporate ladder at CBS Inc.