

TV and Turner Broadcasting's WTBS(TV) Atlanta cable network, at least until NCAA's appeal from the lower court order is heard and decided.

The calm seemingly bestowed by the stay was broken almost immediately, however. In the wake of the lower court's decision, the University of Oklahoma had sold TV rights to last Saturday's Oklahoma-Southern California game to KOCO-TV Oklahoma City and the Katz Agency. So the university responded to the stay by asking the appeals court to overturn or at least delay it so that the game could be telecast on the station lineup that Katz had put together for KOCO-TV. Late Thursday, however, when the court had not acted and time was running short for completing sales, station lineup and other arrangements, the university abandoned its effort and conceded the game would not be telecast.

The flurry over the Oklahoma-USC game was seen, in any event, as an example of what could happen repeatedly throughout the country, perhaps every week, if the lower court order outlawing the NCAA contracts is upheld.

The district judge, Juan Burciaga, held that each NCAA member must be free to negotiate its own football contracts, and that those negotiated by the NCAA were products of antitrust law violations. Thus he sided with the plaintiffs in the case, the Universities of Oklahoma and Georgia, against the NCAA's contention that unless it asserts some control, major football colleges will get the lion's share of TV appearances and TV revenues.

When the judge's decision came down, Oklahoma put TV rights to its last Saturday's game with USC, played at Norman, Okla., up for bids. KOCO-TV and Katz Sports, a division of the Katz Agency rep firm, won with a joint bid reportedly totaling about \$250,000 (\$125,000 each). Others bidding for the same rights were said by KOCO-TV/Katz sources to include, ABC, NBC and the ESPN cable network.

This was the first public identification of NBC with college football bidding since last winter. At that time, NBC last struck a deal to carry games of the College Football Association, a group of some 60 NCAA dissidents, almost all of them football powers. The NBC-CFA deal fell apart when the NCAA seemed to have put down that uprising.

NBC sources denied last week that they made a bid for the Oklahoma-USC game. They conceded, however, that they were "interested bystanders," and the betting was that NBC would go actively after college rights if the NCAA contract is invalidated down the line.

The KOCO-TV/Katz deal also cut across network affiliation lines. KOCO-TV is affiliated with ABC-TV, whose scheduled game for last Saturday was Stanford-Ohio State. When the prospect that KOCO-TV would be carrying Oklahoma-USC arose, ABC was said by station sources to have queried John Blair & Co.'s KOKH-TV Oklahoma City, an independent U, about carrying

Stanford-Ohio State in that market. On Friday, when it seemed clear that KOCO-TV would not be carrying Oklahoma-USC, an ABC official said it was "too late to change back," and that KOKH-TV would carry the ABC game while KOCO-TV ran a movie.

Katz meanwhile reported a rush of both stations and advertisers to get into KOCO-TV's lineup for the Oklahoma-USC game. "It was a case of them coming to us as much as our going to them," one Katz official reported. By late Thursday, when plans for the telecast were abandoned, Katz said 45 stations, representing 50% of U.S. TV households, had been conditionally committed and that the outlook had been for a 90-station lineup reaching 80% of the U.S. Nationally, Katz said, the game was "virtually sold out," also on condition that it would be telecast, with major sponsors from all the usual football advertising categories including beer, automobile, airline, motor oil and video games. According to Fred Botwinik, president of Katz Sports, the game was offered to stations on a barter basis, with 12 minutes retained for national sale and 10

minutes plus breaks available for local sale by stations.

A stay, if kept in effect until the NCAA appeal is decided, presumably would maintain the traditional alliances through most or all of the current football season.

The appeals court instructed the NCAA to file its opening appeals brief by Oct. 13 and the Oklahoma and Georgia universities to reply by Nov. 3. Court officials indicated actual hearings would not start before Nov. 15. The college football season ends in December except for bowl games, which normally are scheduled on or around New Year's Day.

Individual stations with their own college football schedules apparently had nothing to lose in the NCAA case, since most of them usually negotiate directly with the colleges whose teams they cover. There was speculation that some with contracts negotiated with football conferences, rather than with teams individually, might encounter problems somewhere down the road ("Closed Circuit," Sept. 20), though most sources doubted such problems would arise this year. □



Fowler stresses fee trade-off for deregulation

In interview with 'Broadcasting' editors, chairman spells out desire for spectrum-use charge to benefit public broadcasting

The time is right for broadcasters to seek statutory deregulation, according to FCC Chairman Mark Fowler. And while Congress hasn't greeted the concept of broadcast deregulation with open arms in the past, it just might do that if broadcasters—and other spectrum users—agreed to pay a "modest" fee in exchange for that deregulation, a fee that could be used to help fund public broadcasting, Fowler told BROADCASTING in an interview last week.

Fowler initiated the meeting partly to respond to a BROADCASTING editorial commenting on his speech before the National Radio Broadcasters Association annual convention, where he raised the subject of

spectrum-use fees (BROADCASTING, Sept. 20). While the editorial was entitled, "How to retire the national debt," Fowler said he's not interested in trying to accomplish anything of the sort, nor is he hooked on fixing any fee at 1%, or, for that matter, any fixed percentage of revenues. What he is fixed on, however, is the concept of using fees more or less as a bargaining chip to help get broadcast deregulation codified. After all, Fowler said, it behooves broadcasters to push for statutory deregulation now, since the current FCC isn't "going to be around forever."

Judging from the reaction to the proposal in the industry, any such move still faces significant obstacles.

While Fowler said he still thought broadcast deregulation was "right for its own sake," the debate over whether to