

tions. NAB supported the motion of KOCO-TV Oklahoma City seeking reopening of a case in which the Oklahoma Supreme Court had affirmed a \$550,000 damage award against the station. NCTA asked a federal district court to grant motions contending that the Utah Cable Television Programming Decency Act should be overturned as a violation of cable operators' First Amendment rights.

At issue in the KOCO-TV case is an Oklahoma law that protects the press against defamation suits for coverage of judicial proceedings if the reports are "fair and accurate." KOCO-TV had been sued by a doctor who was a defendant in a malpractice suit after it quoted an expert witness in the suit as saying a patient had a "perfectly healthy" uterus, when in fact the witness had said "perfectly normal." The defendant in the malpractice suit, Dr. William F. Crittendon, sued, contending that the newscasts were not fair and accurate and, therefore, not privileged under state law. The state supreme court held that the newscasts did not meet the standard because the language was not "absolutely factual."

KOCO is contending that the language used in the newscasts was fair and accurate even if not precise. Furthermore, it said that if the standard of strict accuracy is imposed on such reports, "the press will become reluctant to report on judicial proceedings" for fear of incurring "staggering damage awards" in the event reports are less than strictly correct. It said the fairness and accuracy requirements must afford the press some leeway in reporting judicial proceedings.

The NAB, in supporting the KOCO-TV motion, also said the court assessed damages without establishing two essential elements—negligence and causation. As a result, NAB said, the court imposed strict liability for an alleged defamation in violation of the First Amendment. It also said that, even if those elements were established, use of the "synonym 'healthy' was not the proximate cause of injury."

In the Utah case, the NCTA is supporting Community Television of Utah Inc. and other cable interests in their efforts to have struck down a law designed to bar "indecent" programming the cable interests say lies outside the bounds of the obscenity exception held by the Supreme Court to be subject to regulation. The NCTA contends that the law intrudes "upon the cable operator's constitutionally protected exercise of editorial discretion by impermissibly censoring certain cable programming on the basis of its content and subject matter."

As part of its argument, NCTA attempts to distance cable television from broadcasting. It notes that the state, in defending the constitutionality of the law, "mistakenly" assumes the presence in cable "of peculiar characteristics of broadcast television which have supported somewhat similar rules applicable only" to that medium. But, NCTA says, "unlike broadcast television with its acknowledged unique and uncontrollable accessibility to children, cable is a closed circuit subscription service, available only to those desirous of receiving it." □

Reporting conditions imposed. FCC has imposed equal employment opportunity reporting requirements on WWWW(FM) Detroit. At same time, FCC advised WDBN-FM Medina, Ohio, to examine its job qualification standards to insure minorities are not being unreasonably excluded from employment. National Black Media Coalition had asked FCC to deny those stations—and several others—renewal, alleging that blacks held few or no full-time positions there, and that the stations' EEO programs indicated little or no effort to seek out and employ blacks. □

Bad advice no excuse. FCC has fined Triad Broadcasting Co., licensee of WSEZ(FM) Winston-Salem, N.C., \$20,000 for failing to file license application within 10 days of beginning of equipment and program tests; failing to comply with conditions on construction permit by operating with increased power without submitting antenna impedance tests for its co-owned, co-located WAIR(AM), and for operating WSEZ(FM) after its program test authority was terminated. Triad had admitted to violations, but sought reduction or cancellation of fine, contending it had been unwitting victim of "bad advice" from its attorney-engineer, Clifford J. Bond III. FCC, however, noted it has consistently refused to excuse licensees when actions of their employes or independent contractors resulted in rule violations. "Triad's attempt to shift all blame, or explain away its failure to comply with the rules does not justify the noncompliance," FCC said in press release. □

Cellular buy. Scripps-Howard has bought 500 nonvoting shares in McCaw Cellular Communications Inc., subsidiary of McCaw Communications Companies. McCaw Cellular has applied for cellular radio telephone franchises in 26 markets. Under deal, those shares would be converted from 15% to 40% of McCaw Cellular's voting shares between Jan. 1, 1988, and Dec. 31, 1991. □

Can't find it? That's because FCC's Detroit field office has moved to 24897 Hathaway Street, Farmington Hills, Mich. Telephone number is still 313-226-6078. □

Granted. In initial decision, FCC Administrative Law Judge Edward Luton has granted application of Adell Broadcasting Corp. for new TV on channel 38 in Mt. Clemens, Mich., denying competing application of Michigan Channel 38 Inc. Judge said Adell's integration proposal made its application superior. President and 90% owner of Adell is Franklin Z. Adell, who is president of Adell International Inc., Novi, Mich., and vice president of Adell Industries Inc., Sunnyville, Tex. Adell Industries manufactures stainless steel mouldings that fit over edge of automobile doors. Adell has no other media interests. □

Also granted. In another initial decision, FCC Administrative Law Judge Joseph Chachkin has granted application of Canruss Inc. for new FM in Cape May Court House, N.J., denying competing applications from WRJ Inc. and Bay Broadcasting Co. Judge said credit for 100% minority and female integration made Canruss' application preferred. President and 85% owner of Canruss is Candida Diaz de McBride, resident of Wilmington, Del. McBride was unemployed, according to decision. □

Another FM. In initial decision, FCC Administrative Law Judge Edward Kuhlmann has granted application of Kimmell & Kimmell for new FM station at Lamesa, Tex., dismissing (for failure to prosecute application) competing application from party identified as Edward M. Johnson, and denying another from Dawson County Broadcasting Corp. Judge said Kimmell's application was preferred for its diversification and integration proposals, and its coverage. Kimmell & Kimmell is partnership of Robert G. Kimmell and Charles E. Kimmell, who had combined 32% interest in WLCF-FM Southport, N.C. According to initial decision, Kimmell's sold their interests after cut-off date for this application. □

Radio licensing dropped. FCC has dropped role of licensing radio operators. Change goes into effect for common carrier, broadcast and cable relay services 30 days after notice of action is published in *Federal Register*. Changes for private land mobile, private operational fixed microwave and personal radio services go into effect 180 days after publication. FCC, however, said it will, for one year, issue lifetime licenses to current holders of general, first and second class licenses. Commission also endorsed efforts of those representing land mobile and fixed services to launch certification programs for technicians. It said it would issue public notice listing organizations that have expressed interest in establishing such certification programs. □

NBMC seeks denials. National Black Media Coalition, alleging laxity in equal employment opportunity standards, has petitioned FCC to deny renewals for WWSB(AM) and WOGN-FM Groton, Conn.; WAZ(AM) and WKCI-FM Hamden, Conn.; WTSC(AM) and WYRS-FM Stamford, Conn.; WMMM(AM) and WDJF-FM Westport, Conn.; WSAR(AM) Fall River, Mass.; WBSM(AM) New Bedford, Mass.; WHMP-AM-FM Northampton, Mass., and WIXY(AM) and WAQY-FM East Longmeadow, Mass. □