



OREGON'S Gov. Douglas McKay (r) receives instructions from KGW Portland Manager H. Quenton Cox (l) before turning on power-panel switch of KGW's new 5 kw Raytheon transmitter, recently put in operation. On hand for occasion were Portland's Mayor Dorothy McCullough Lee and M. J. Frey, general manager of *The Oregonian*. KGW is owned by the Oregonian Pub. Co.

LOUISVILLE APPEAL WKLO Grant Upheld

GREEN LIGHT on consideration of program issues in comparative proceedings was given to FCC last week by the U. S. Court of Appeals for the District of Columbia.

Affirming the Commission's grant of 5 kw day, 1 kw night on 1080 kc to Mid-America Broadcasting Corp. for a new station at Louisville (WKLO) and denying competitive bid of WINN there, the court stated the "Commission was completely correct in deciding in favor of Mid-America on the basis of far superior local program proposal." The court's ruling was made April 6.

WINN, licensed to Kentucky Broadcasting Corp., had filed the appeal from the FCC ruling upon being denied switch in its facilities from 250 w on 1240 kc to the 1080 kc assignment [BROADCASTING, Nov. 17, Oct. 27, 1947, Jan. 24].

Judge Bennett Champ Clark wrote the majority opinion for the court. He and Judges E. Barrett Prettyman and James M. Proctor had heard the argument in early January.

The court disagreed with the WINN complaint that the FCC had given controlling weight to the "extra legal" consideration of a previous grant to Mid-America which expired during the war years.

The court also rejected WINN's claim that the Commission erred in its decision by deviating from its established policy to prefer an existing license over a newcomer, all other factors being equal. The court said all factors were not equal in the case.

The court thereupon went into considerable detail on the program proposals of the two applicants, noting that WINN was a network affiliate while WKLO is not. The extensive cultural and public service program plans of Mid-America were noted and compared with WINN plans, as were proposals regarding religious broadcasts, farm service and local news.

WINN also had claimed that Mid-America's local program proposals might be changed through any network affiliation it said it

would welcome. But the court said there "was ample and uncontroverted evidence to support the Commission's finding that Mid-America's proposed local programming would not suffer from a possible future network affiliation."

The court concluded, "Further, it is noteworthy that the operation by Mid-America of the facilities which it has been authorized to provide will in no way affect the operation by Kentucky of Station WINN as it is presently licensed to operate that station."

Upcoming

- April 18: New York Radio Station Managers Committee, Waldorf-Astoria, New York.
- April 21: Peabody Awards presentations, Radio Executives Club meeting, New York.
- April 23: IRE Cincinnati Section technical conference, Engineering Societies Bldg., Cincinnati.
- April 25-27: All-Canada Radio Facilities annual meeting production and sales managers of mutually operated stations, Hotel Saskatchewan, Regina.
- April 27: Second Annual TV Symposium of Screen Publicists Guild begins, Hollywood.
- May 2-4: Radio Farm Directors sessions, Raleigh Hotel, Washington, D. C.
- May 5-8: Institute for Education by Radio, Ohio State U., Columbus, Ohio.
- May 16-19: RMA 25th annual Convention and Parts Industry Trade show, Stevens Hotel, Chicago.
- May 26-27: Virginia Assn. of Broadcasters, Williamsburg, Va.
- May 29-June 1: Advertising Federation of America 45th Annual Convention, Houston, Tex.
- June 13-16: Canadian Assn. of Broadcasters Convention, Algonquin Hotel, St. Andrews-by-the-Sea, N. B.
- Aug. 25-28: AFRA annual convention, Palace Hotel, San Francisco.
- Sept. 30-Oct. 9: Second Annual National Television and Electrical Living Show, Chicago Coliseum, Chicago.
- Nov. 11-12: NARND Convention, New York.

TRANSFERS

FCC Grants Consent In Five Cases

CONSENT was granted by FCC last week to sale by Myles H. Johns of his 55% interest in WOSH-AM-FM Oshkosh, Wis., for \$62,000 to members of his family. Approval also was given to transfers involving KTAN Sherman, Tex.; WANE Fort Wayne, Ind.; WSAT Salisbury, N. C., and KUBA Yuba City, Calif.

Meanwhile last week the Commission also ordered hearing on the proposed assignment of license of KWKW Pasadena, Calif., from Southern California Broadcasting Co. to the Southern California Trade Unions Broadcasting Co. Consideration involved is \$392,500 [BROADCASTING, Nov. 15, 8, 1948].

FCC said it wished to: (1) Inquire whether proposed assignee is legally and financially able to operate the station, assigned 1 kw day on 1430 kc but seeking switch to 50 kw daytime on 830 kc; (2) determine what agreements exist between seller and buyer; (3) study method of payment; (4) inquire if there is to be any continuance of control by seller, and (5) inquire if buyer is unable to make payments whether there is to be any reversion of license to seller.

The KWKW application requests assignment of license from Marshall S. Neal, Paul Buhlin, E. T. Foley and Edwin Earl d/b as Southern California Broadcasting Co. to Southern California Trade Unions Broadcasting Assn. Consideration is to be not less than \$392,500 nor more than \$420,000. Deal calls for \$25,000 cash, \$35,000 annually on first and second anniversary of sale date, plus two-thirds the net profit those two years (not to exceed \$27,000 for either or both years) and the remaining \$297,500 in five equal annual installments bearing 2½% interest. Payments are guaranteed by Joint Council of Teamsters No. 42, Los Angeles, whose representative,

★ Paul D. Jones, is president of purchaser. Group is AFL affiliated. Details of transfer grants follow:

WOSH-AM-FM Oshkosh, Wis.—Granted assignment of license from Oshkosh Broadcasting Co. to new partnership of same name and including same individuals except one. Myles H. Johns, 55% owner, sells 40% for \$45,500 to his brother, William F. Johns Jr., now 15% owner. Myles Johns sells other 15% for \$16,500 to his mother, Penrose H. Johns, new partner. WOSH is assigned 250 w on 1490 kc.

WANE Fort Wayne, Ind.—Granted acquisition of control of Radio Fort Wayne, licensee, by C. Bruce McConnell through purchase of 190 shares for \$11,850 from Glenn R. Thayer and Merin H. Smith. Mr. Thayer sells 62 of his 162 shares and Mr. Smith sells 128 of his 178 shares. Mr. McConnell already holds 275 shares. Total of 675 shares are issued in firm. WANE is assigned 250 w on 1450 kc.

KTAN Sherman, Tex.—Granted assignment of license from Denison Broadcast Corp. to Sherman Broadcast Corp. for \$18,000. Euclid T. Fant and Tony Anthony are principals in Sherman Broadcast Corp., new firm. Sellers are Elmer Scarborough, Joel Carroll and Mrs. Mary Stewart. KTAN is assigned 250 w daytime on 1500 kc.

WSAT Salisbury, N. C.—Granted relinquishment of control by C. H. Wentz in Mid-Carolina Broadcasting Co., licensee, through sale by Mr. Wentz of 33½% holding of his 50% interest for \$18,000 to E. E. Boyce and W. D. Flinton. Latter acquire 16½% share each. Messrs. Boyce and Flinton are part owners of Thomas & Howard Co., southern wholesale grocery firm. WSAT is assigned 1 kw on 1280 kc, daytime.

KUBA Yuba City, Calif.—Granted assignment of license from partnership composed of five equal partners to corporation owned by three of the partners. Firm name continues to be Peach Bowl Broadcasters Inc. Dewey Alread and Raymond Linn retire from firm and Chester Ulom, Beverly B. Ballard and Clyde L. Good-night continue. Messrs. Alread and Linn get back investments, \$2,000 and \$4,250, respectively. KUBA is assigned 500 w fulltime on 1600 kc.

EISENHOWER SERIES Sale Reports Said Premature

REPORTS that Time Inc., publishers of *Life*, *Time* and *Fortune*, had bought *Crusade In Europe*, 26-part television film series based on the book by Gen. Eisenhower, were labeled premature as late as Friday morning by an ABC spokesman. It was understood in trade circles, however, that a deal soon would be closed.

In fact, it was learned that actual writing of the contract was being undertaken by the network. *Time*, it was understood, will buy the first-time rights and have first options to the second and third showings.

It was believed that first-time rights, exclusive of network time and line charges, would be priced in the neighborhood of \$200,000.

It was further believed that if *Time* closes the deal it will be shown 9 to 9:25 p.m. Thursdays the day *Time* magazine appears on newsstands and the day before *Life* comes out, thus providing a vehicle to sell current issues of both publications.

ABC owns the package exclusively for 21 months under contract with 20th Century-Fox, for which March of Time produced the series.

'CRIME BILL' Tabled in Minn. Senate

AN ACT forbidding stations in Minnesota "to broadcast at any time any program or story revolving around lust and the commission of such crimes as murder, bodily attack . . . or . . . forms of attempted murder . . . whether real or fictional," has been introduced in the Minnesota Senate by State Sens. Novak and Sinclair.

Terms of the so-called "Crime Bill" do not apply to a station broadcasting information concerning the commission of an actual crime occurring within a reasonable period preceding the newscast or of developments in the solution of an actual crime by law enforcement officers.

The original hearing on the bill was closed to broadcasters, but they were represented at the second hearing April 5, by John F. Meagher, manager of KYSM Mankato, and William C. Green.

KYSM reports that the State Senate Committee on legislation voted unanimously to table the "Crime Bill" on April 5.