KIFN Bid to Stay FCC 10% Rule Denied

REQUEST of KIFN Phoenix, Ariz., that FCC either withdraw or stay the effectiveness of its revised "10% rule" has been turned down by the FCC, in answering the complaints of a half-dozen stations where new applications for new AM stations or changes in facilities for existing outlets were dismissed as not conforming to the new rule.

In the text of its order issued Monday, FCC explained that the amendments to its rules and standards, made final in early August and effective Sept. 7 [B*T, Aug. 9], "was to codify as a fixed rule the Commission's past practices relating to permissible deviations from the requirement of interference-free service to be provided within an applicant's normally protected contour."

FCC turned down KIFN's argument that new applicants should not be penalized for paying fees to advertise the tv reallocation and other locations. The Commission also refused to consider waiver of daytime interference under the 10% population formula.

FCC earlier this year set for hearing KIFN's bid to change operation on 860 kc from 1 kw daytime only to 1 kw fulltime with directional antennas day and night. Issue involved, FCC said, is whether with proposed installation, would comply with its rules with respect to the minimum of interference-free service within the station's normally protected (2.5 my/m²) contour and coverage of Phoenix and its metropolitan districts.

In collateral action, FCC denied the petition of WXXY Sarasota, Fla., for waiver of the 10% rule and dismissed the station's applications in change from 1 kw daytime only 1540 kc to 1 kw day, 500 w night on 930 kc, directional day and night.

FCC also dismissed these applications for noncompliance with the revised rules.

WREC Athens, Ga., changed from 500 w, 1 kw-L, DA-N, to 1 kw, 5 kw-LS, DA-N, on 1590 kc.

The Saline Beck Co., for a new station in Saline, Mich., to operate on 1290 kc, 500 w, D.

Vigneau Motors, for a new station in Oxnard, Calif., to operate on 1280 kc, 250 kw, U.

Morehead, Ky., for a new station in Morehead, Ky., to operate on 1310 kc, 1 kw, D.

K. Weiskopf, for a new station in Paducah, Ky., to operate on 1500 kc, 1 kw, D.

Kiem Eureka, Calif., to change from 1480 kc, 5 kw, U, DA-N, to 320 kc, 1 kw, 5 kw-LS, DA-N.

WROW-AM-TV Transfer Approved by Commission

TRANSFER of control of WROW-AM-TV Albany, N. Y., to a group headed by radio commentator Lowell Thomas was approved by the FCC last week [B*T, Oct. 18]. Purchase price for 83.4% ownership of the two Albany stations was $298,800.

Associates of Mr. Thomas, who will be 31.2% owner, are Mr. Thomas' business manager, Frank M. Smith, 20.8%; Ellen E. Elliot, wife of New York stock broker Edward Elliot, 20.8%, and attorney Alger B. Chapman, former ABC director, 10%.

WROW operates on 590 kc, with 5 kw day, 1 kw night and is affiliated with MBS. Ch. 41 WROW-TV is affiliated with ABC and DuMont.

WHSA (TV) Show Cause Order Is First Against TV Station

CHARGING financial misrepresentation in the application for ch. 39 WHSA (TV) Sharon, Pa., FCC last week made public the text of its order directing Leonard J. Shaftitz to show cause why his permit for WHSA should not be revoked. This is believed to be the first such action by FCC in tv. WHSA is not on the air.

The Commission order described the case for hearing Dec. 7 in Washington and called upon Mr. Shaftitz to appear and present his evidence. The permit was granted Jan. 27.

FCC's show cause order centered on a field investigation in August and September that the total of unencumbered parcels of real property allegedly owned in fee simple by the permittee . . . was not owned by him at the time of filing his verification of financial condition with the Commission."

The order also alleged that as to the personal property shown on his financial statement and relied upon by the Commission as proof of his financial condition, the permittee refused to divulge any information showing to what extent he owned or had available to him the assets described . . .

FIFTH AMENDMENT RIGHT RAISED IN LAMB CASE

Witness in closed session alleged to have refused to answer questions. Also appearing last Thursday was Paul Prosser of Toledo.

FIFTH Amendment privilege in refusing to testify was reportedly claimed last week by a second witness in the FCC's license renewal hearing on Edward Lamb's WICU (TV) Erie, Pa.

The witness, identified as Joe Friedman, appeared in a closed session with Examiner Herbert Sharman on Thursday morning. Discussion by counsel for both Mr. Lamb and the FCC Broadcast Bureau later that day indicated the witness gave his name but refused to answer any questions.

Request for the closed session was made by the witness' attorney, David Rein of Washington, D.C., who told the examiner his client had a heart condition and a personal problem he wished to discuss privately. Transcript of the conference, however, was slated to become public within 30 days.

Earlier witnesses in the Lamb case testified that a Joe Friedman at one time was an official of the Communist Party of Lucas County (Toledo). A fortnight ago, a witness identified as Max Wall claimed Mr. Friedman's Rights in refusing to testify in the proceeding [B*T, Nov. 1]. Likewise, previous witnesses had recalled a Mr. Wall as active in Toledo party affairs.

Remainder of Thursday's hearing was devoted to examination of the Broadcast Bureau's 12th witness, Paul Prosser of Toledo, who said he had been in the local Communist Party from about 1937 to 1945 and had served on its executive committee between 1939 and 1942.

Mr. Prosser related the party had "practically continuous" fund drives for various purposes and the executive committee would suggest 50 to 75 names and decide which would be "touched" in a particular case. The witness testified a number of names would be scratched off the list, but recalled Mr. Lamb's name remained on the list to be solicited for contributions for sending delegates to a state party meeting in Akron in 1939. Mr. Prosser said he never met Mr. Lamb. There was no testimony that Mr. Lamb was solicited.

The WICU renewal hearing issues include whether or not Mr. Lamb misrepresented himself when he said he never had Communist associations. Mr. Lamb, who denies the allegations, waits completion of the Broadcast Bureau's case before presenting his evidence. Hearing has been underway since mid-September [B*T, Sept. 20, et seq.].