

the FCC were to assign an additional channel to stations for fee tv transmissions.

• Penn-Allen Broadcasting Co., holder of a grant for inoperative ch. 67 WFMZ-TV Allentown, Pa., expressed surprise at the objections filed with the FCC to its proposed plan to use its facilities to test out subscription tv.

WFMZ-TV had offered to resume telecasting, using 56% of its broadcast time for pay tv, and the remaining 44% for regular programming [B•T, Aug. 1].

Objections to this proposal came from the Joint Committee on Toll Tv, CBS, WLEV-TV Bethlehem, and NARTB. All claimed generally that this would be prejudging the FCC rule-making proceeding on this subject.

WFMZ-TV emphasized that the only interest it had in pay tv was to offer itself as a proving ground. It indicated that it only wanted to be able to furnish its facilities to pay tv adherents so that information on public response would be accumulated for FCC's benefit.

"Surely the Commission's discretionary powers are not so utterly circumscribed that its hands can be completely tied by such legal minutiae as has been put forth by the opposition to Penn-Allen's simple request," Raymond F. Kohn, Penn-Allen president, wrote to the FCC.

In conclusion, Mr. Kohn wrote: "Penn-Allen concludes that the oppositions filed against its fact finding proposal were submitted only because these parties found the proposal to be against their self-interests—not the public interests—and therefore their arguments have no validity in determining the merit of the Penn-Allen request."

St. Louis Contestants Ask Additional Time

A JOINT REQUEST for extension of time to reply to an FCC examiner's recommendation that CBS be favored for ch. 11 at St. Louis was made last week by four of the five applicants seeking the channel: CBS, 220 Television Inc., St. Louis Telecast (WEW) and Broadcast House [B•T, Sept. 12].

The request, stressing that there are several issues in the proceeding which have not been determined before by the Commission, asked that the time to file exceptions to the initial decision be extended 28 days to Oct. 24 and the limit on the size of the briefs be enlarged from 50 to 80 pages.

Chief among the issues cited are: multiple ownership rules and policies relating to diversification of communications media as they affect CBS; the legal status in the proceeding of Broadcast House, and the impact upon a comparative tv case of Sec. 307 (b) of the Communications Act (fair and equitable distribution of tv service to the communities involved).

This is the first instance in which a national network is being evaluated in a post-free comparative tv hearing, the request noted. It also was pointed out that the proceeding is to determine the status of Broadcast House which was admitted to the hearing while it was a permittee of ch. 36 in St. Louis.

Another issue involving Broadcast House is its assertion that it should be favored for the channel, under Sec. 307 (b), because it plans to locate its main studio in East St. Louis, Ill., and still serve St. Louis, Mo., while the other applicants propose to serve only the St. Louis area. To be determined is whether a grant on the basis of this provides a more fair, efficient and equitable distribution of tv service to the communities involved.

A fifth applicant, St. Louis Amusement Co., was held in default because it did not participate in the comparative hearing.

ACCORD NEAR ON TALL-TOWER PROBLEM

Broadcast-aviation impasse on height and location of towers closer to settlement as representatives of two groups agree to a compromise. WHAS-TV tower light tests successful.

BREAKTHROUGH in the aviation-broadcast tall tower impasse was reported on the horizon last week when the working group of broadcast and air representatives were understood to have agreed on a compromise which would:

- Establish more stringent rules for approving tall towers in areas where air traffic was heavy, or in the vicinity of airports which handle speed-of-sound jet airplanes.

- Call on broadcasters to site transmitters and antennas in one area (antenna farm concept), although there can be no requirement for that.

- Have a member of the Broadcast Bureau present at Washington airspace panel meetings to advise on claims and counter-claims regarding FCC regulations and requirements.

In return for this formula, aviation interests have agreed to drop their demand that no tv tower higher than 1,000 ft. above ground be permitted.

It was this formal proposal late in 1954 by military members of the Washington airspace panel which initiated the formation of the joint air-broadcast committee to evolve a solution to the divergent views on tall towers. The special joint committee is under the co-chairmanship of the FCC's Robert E. Lee and the CAA's Fred B. Lee. It was established by the top-drawer Air Coordinating Committee which is the official advisor to the President on air matters.

Solution of this problem will have an easing effect on the Commission's temporary stay of its Zone I tower height rule revision, it was believed. The FCC agreed to permit Zone I vhf tv stations to build towers up to 1,250 ft. above average terrain with full power permitted, but the Oct. 1 effective date was stayed when military and northeast area stations protested.

Zone I includes the northeastern, middle

Atlantic and north central states. Originally, the FCC limited Zone I vhf antennas to 1,000 ft. in order to equalize coverage with uhf stations. In other sections of the country, the maximum antenna height is 2,000 ft. for both vhf and uhf stations. These maximums mean only that if a station has an antenna higher than this, radiated power must be reduced to maintain the antenna height-power ratio of the maximums.

Meanwhile, the joint broadcast-aviation group working to bring up to date methods of marking and lighting tall structures were digesting the result of an inspection of the WHAS-TV Louisville "area" marking tests [B•T, Aug. 8]. The group was said to have been impressed with the results—one means of outlining guy wires for pilot's recognition—and has accepted the offer by broadcast representatives to furnish other stations for experiments. It was learned that WGN-TV Chicago, atop that city's Prudential Bldg., has been chosen for one of the tests.

The special subcommittee which is handling the antenna height and site study is under the chairmanship of J. A. McCrary, secretary of the ACC's Technical Division. It comprises broadcast representatives John R. Evans, FCC; R. E. L. Kennedy, Assn. of Federal Communications Consulting Engineers; A. Prose Walker, engineering dept. manager, NARTB, and aviation delegates Lt. Col. J. D. Harris, Air Force; Jean Dubuque, National Business Aircraft Assn., and Robert J. Froman, Civil Aeronautics Board.

WJET Gets 1400 Kc Over WBNY Objection

FINDING the need for its new service will outweigh any interference caused to other stations, the FCC last week granted WJET Erie, Pa., a change from 1570 kc daytime to 1400 kc unlimited (250 w).

The Commission held that interference to WBNY Buffalo, N. Y., which objected to the change, would amount to only 1.09% of the population served by the latter station, affecting about 9,500 out of 866,000 people. On the other hand, the proposed nighttime operation of WJET would bring a new primary service to 135,927 people, the FCC said. The Commission further noted that since WJET is an independent it will make available prime evening listening hours that are "unhampered" by network commitments of other stations in the area.

WJET's request for the change in facilities was set for hearing in October 1953 following the protest of WBNY, which is licensed on 1400 kc, 250 w unlimited.

Michigan Legislator Urges Study of Beer, Liquor Ads

MONITORING of radio and tv advertising of beer and liquor by a state committee was urged last week in Michigan by a member of the state legislature, Rep. John J. McCune, Lansing Republican. He asked that a special session to be called by Gov. Mennen Williams be expanded to consider the question.

Rep. McCune led a successful drive last year against tv ads that show actors drinking and contended radio advertising of alcoholic beverages should be investigated from the highway safety angle. His proposed resolution would set up a five-member commission to study beer-liquor advertising and report next year to the Legislature.

Okla. Move Opposed

OBJECTIONS to ch. 5 KGEO-TV Enid, Okla., moving its transmitter site 31 miles south southeast of Enid in the direction of Oklahoma City and the erection of a 1,356-foot antenna tower above ground were filed with the FCC last week by the Defense Dept., Air Transport Assn., and ch. 25 KTVQ (TV) Oklahoma City. The protests were filed as exceptions to a favorable initial decision issued by FCC Hearing Examiner Hugh B. Hutchison last month [B•T, Aug. 8].

The Defense Dept. and ATA repeated objections to the above-1,000-foot antenna tower, claiming it would be a hazard to air navigation. KTVQ claimed that the vhf station would cover both Enid and Oklahoma City and thus sound the death knell of its own uhf operation in the latter city. The Broadcast Bureau filed exceptions to certain technical findings, but did not object to the examiner's conclusions.