

time" for an applicant to look ahead in presenting his program plans, and Mr. Fellows said he didn't think it was long enough.

Said Mr. Bartley: "Do you think he could project his concept of what he plans to do in the public interest longer than three years ahead?"

At that point Mr. Fellows struck a new note.

"There is one phase of this which has not been brought out in testimony before," said Mr. Fellows. "We have toyed with the idea that a man who has declared himself as to what he is going to do, how he is going to try to serve this community of his, if he departed to any great degree from the nature of broadcasting which he intended in the first place, he should notify the Commission of his intent and should bolster or explain why he changed from popular music to classical, or from classical to rock and roll, or whatever it might be, and that in any event, at the end of three years when he came up for renewal, he should then explain thoroughly and you should expect him to explain thoroughly why his program content, as indicated by what you're looking at, seems to have changed materially from that which he talked about when he came in."

Summing-Up • FCC Comr. Frederick Ford led Mr. Fellows through a series of questions and answers in which Mr. Fellows agreed that the FCC had the authority to make an applicant submit evidence that he has met the public interest by his performance and that there is a concept of program balance which can be met if a broadcaster makes a conscientious effort to discover and satisfy the public interest in his community "program-wise."

Then Mr. Ford closed his questioning by saying: "We do not seem to have any difference. Thank you."

Magnuson, Harris to address CBS meet

Television broadcasters' role in fulfilling public responsibilities will be examined at the annual conference of executives of the CBS Television Network and CBS-TV affiliates to be held at the Hotel Shoreham, Washington, D.C., Feb. 29-March 1.

Speakers slated for the open meeting today (Monday) will be Sen. Warren G. Magnuson (D-Wash.), Chairman of the Senate Interstate and Foreign Commerce Committee; Rep. Oren Harris (D-Ark.), Chairman of the House Interstate and Foreign Commerce Committee, John C. Doerfer, FCC Chairman, and Earl W. Kintner, Federal Trades Commission chairman. On Tuesday, a closed session, network executives will present their reports.

NBC BUYS BAY AREA KTVU (TV) NBC-TV affiliate KRON-TV promptly protests

NBC announced in New York Thursday (Feb. 25) that it has signed a contract to purchase independent ch. 2 KTVU(TV) San Francisco-Oakland, thus bringing one step nearer to conclusion a complicated series of station transfers triggered by a Justice Dept.-RCA-NBC consent decree requiring the network to dispose of its Philadelphia broadcast properties.

In its brief announcement, NBC made no mention of the reported \$7.5 million (\$6.9 million plus accounts payable) it paid for the Pabst-Ingrim-Pauley station.

Immediately after disclosure of the NBC-KTVU deal, the owner of NBC-affiliated KRON-TV San Francisco announced that: "We are not going to stand still and let NBC arbitrarily grab for itself a television audience that we have built up for them. . . ."

Here is what has happened as a direct result of the Philadelphia consent decree last fall (BROADCASTING, Sept. 28, 1959):

- Tax-free exchange of NBC's WRCV-AM-TV Philadelphia for RKO General's Boston properties, WNAC-AM-FM-TV.

- Sale of WRC-AM-FM-TV Washington by NBC to RKO General for \$11.5 million.

- The NBC purchase of KTVU (the network owns KNBC-AM there).

- Spirited bidding by multiple owners for RKO's present Washington stations, WGMS-AM-FM.

Last week's announcement was the first public disclosure by NBC that it had been negotiating for a San Francisco station, although progress of known negotiations had been followed closely (CLOSED CIRCUIT, Feb. 8, *et seq.*) In notifying the FCC of its intended deal with RKO, NBC said consummation was contingent upon the network acquiring a tv station in a suitable market (BROADCASTING, Jan. 25). The KTVU purchase contract was signed by P.A. (Buddy) Sugg, NBC executive vice president in charge of owned stations.

Remaining Obstacles • Several important steps must be negotiated before these transactions can be completed. Number 1: NBC must secure approval by the Dept. of Justice before it can buy or exchange a tv station in any of the country's top eight markets (which include Philadelphia and San Francisco).

Under terms of the consent judgment, Justice has 30 days to approve or disapprove any NBC deal after

notification by the network. NBC is expected to so notify the department immediately since its contract with RKO has an April 2 expiration date. A Justice spokesman said Thursday that upon receiving NBC notification of the proposed deals, it would send an investigator to the cities involved.

Justice can either (1) state that it has no objection to the transfers or (2) conclude that they would be in violation of the consent decree and file a formal complaint with the Philadelphia circuit court. Justice approval is required under the consent decree to assure itself NBC did not use its affiliation power to "coerce" anyone into selling or exchanging a station, the principal charge in the suit leading to the consent judgment. (The suit grew out of NBC's swap of its Cleveland radio-tv stations for Westinghouse Broadcasting Co. Philadelphia properties, plus \$3 million in 1955.)

It is not known whether Justice would lend an attentive ear to the complaint of KRON-TV, owned by the *San Francisco Chronicle*. Charles De-Young Theriot, president and operating head of KRON-TV, wasted no time in damning the proposed NBC buy. He pointed out that the *Chronicle* station has been an NBC-TV affiliate since going on the air in 1949. NBC's attempt to "grab" the network audience, he charged, "raises questions of whether any tv station can survive against the economic power in the hands of the networks."

"These are serious issues, directly affecting the public interest. We believe these issues should be aired, and we intend to take steps to air them."

NBC first attempted to buy KRON-TV prior to contracting to buy KTVU.

FCC Role • Once the Justice Dept. has cleared the NBC deals in Philadelphia, Boston and San Francisco, the network will seek approval from the FCC, a necessary step before consummation. KRON-TV can seek an audience before that agency to protest the San Francisco deal as a party in interest.

KTVU, whose ch. 2 actually is allocated to Oakland across the Bay, is owned 25.005% each by William D. Pabst, Ward D. Ingram and Edwin W. Pauley; 19.79% by Willet H. Brown, and 4.94% by Stoddard P. Johnston. The station went on the air in March 1958 and the principals involved represent a merger of former competing applicants in a comparative hearing.

A by-product of the RKO General buy of the WRC stations would be a required disposal of WGMS-AM-FM,