

PHILCO WANTS CH. 3 PHILLY

Applies to FCC for NBC facility with charge station 'disregards' local needs

The long-standing Philco Corp. battle with RCA-NBC in Philadelphia erupted again last week when Philco applied to the FCC for the ch. 3 allocation now held by the network's WRCV-TV.

Timing of the application came just one week after NBC had filed its own request for renewal of WRCV-TV, whose current license expires Aug. 1. Philco, which protested the 1957 renewal (that case still is pending before the FCC), charged that WRCV-TV has "virtually disregarded" its local responsibilities in order to promote the interests of its network parent.

NBC already is under court order to dispose of WRCV-TV by Dec. 31, 1962, and has contracted to swap the station, with its affiliate, for RKO General's WNAC-AM-FM-TV Boston. Also involved in the transaction is RKO's purchase of WRC-AM-FM-TV for \$11.5 million from the network, which in turn is buying KTVU (TV) San Francisco for \$7.5 million (BROADCASTING, March 21).

RCA Equipment ■ Ironically, Philco said that it planned to use RCA equipment for its ch. 3 station, including the present tower and antenna of WRCV-TV. The application said it expected to spend \$4.1 million to build; \$5 million to operate the first year, and estimated first year revenues of \$8 million.

Philco disclosed plans to build new studios but said it would temporarily use present WRCV-TV facilities if a fair price can be reached. Philco built these same studios when it owned ch. 3 WPTZ (TV), from 1941-53. The electronics manufacturer listed total assets of \$204,797,000, with 1959 earnings of \$7,176,000.

The proposed applicant was highly critical of WRCV-TV's local live programming under NBC ownership, charging that "the opportunities for serving the interests of the local community have been virtually ignored." Philco said it would program 20% live, in contrast to WRCV-TV's 6.56% local live shows, far below what the NBC station had promised, Philco charged.

"We are deeply concerned about the decline in attention to the interests of our community under the present management of ch. 3," Philco President James M. Skinner said. "Philco's application . . . is prompted by a desire to bring to our citizens the best of Philadelphia." Mr. Skinner named David B. Smith, Philco vice president, head of the newly-formed Philco Broadcasting

Co. He was active at the policy level of WPTZ under Philco ownership.

NBC Charges Harassment ■ NBC charged that the Philco ch. 3 application "is the latest move in a cynical course of harassment that has nothing to do with broadcasting in Philadelphia. Philco has been conducting a campaign of litigation against RCA . . . and NBC. In our view, today's application is another maneuver Philco is using in that campaign.

"Even taken at face value, Philco's bid for a tv channel is difficult to construe as anything but the act of an opportunistic Johnny-come-lately who wants to reap where others have sown. In 1953, Philco chose to sell its tv station in Philadelphia to take a multi-million profit instead of developing a broadcast service in that community. . . . It may seem tempting and convenient for Philco to return to tv broadcasting on the coattails of those who have pioneered. . . . If a return to tv is actually the company's desire it would be more fitting for Philco to acknowledge rather than impugn the constructive contributions that NBC has made to the Philadelphia community through the operation of WRCV-TV."

The FCC has not formally accepted the Philco application, which is registered only as "tendered" for filing.

The Complicated History ■ Philco began operating experimental W3XE on ch. 3 in Philadelphia in 1932. A regular commercial license was granted in 1941 with the WPTZ call and Philco operated the station until its sale in 1953 to Westinghouse for \$8.5 million. Westinghouse, in turn, traded the station to NBC for the network's Cleveland broadcast properties and \$3 million in 1955.

It was this transaction which led to the consent decree requiring NBC to dispose of WRCV-AM-TV. The Justice Dept. charged that the network coerced Westinghouse, with the threat of disaffiliation, if Westinghouse did not agree to the trade. In ordering the NBC Philadelphia consent decree, Justice stipulated that any proposed transaction must be submitted to Justice before being filed for FCC approval.

The department can either give silent approval or can go to the courts if it wants to block the RKO-NBC transaction. It has 30 days to take such action after notification by NBC and that grace period ends today (May 9).

Philco protested the FCC's 1957 renewal of WRCV-TV without a hearing,

questioning RCA-NBC's qualifications because of alleged antitrust violations. The commission ruled that Philco was not a party of interest and refused to accept the protest but the court ruled otherwise and returned the case to the FCC. An oral argument was held last October (BROADCASTING, Oct. 12, 1959) and the case still is awaiting final FCC action.

FCC rules on time sales to politicians

A station does not have to sell time to any political candidate, the FCC ruled last week in turning down a protest against WKRG-TV Mobile, Ala., by a candidate for the U.S. Senate. In a telegram to John B. Crommelin, the commission said that WKRG-TV does not have to sell him any time as long as it also prohibits his opponent from using the station.

In answering the Crommelin complaint, the commission noted that the station said it "determined not to make time available to any candidates in the U. S. Senate primary because in our judgment the Senate primary election was not of sufficient general interest . . ." The commission also cited Sec. 315 of the Communications Act which specifies that "no obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate. . . ."

Mr. Crommelin is seeking the seat now held by Sen. John J. Sparkman (D-Ala.), who is a candidate for reelection.

Also last week, the FCC told one Andrew J. Easter of Washington, D. C., that NBC is not obligated to provide him equal time since other candidates for the Democratic nomination for President have appeared on *Meet the Press*. Legislative history of last summer's amendment to Sec. 315 "clearly indicates" that *Meet the Press* is the type of program exempt from equal time demands, the commission said.

NTA's ch. 12 bid hit

The Metropolitan Broadcasting Corp. last week accused National Telefilm Assoc. of filing a "defective and invalid" application for Wilmington, Del., ch. 12. Metropolitan petitioned the FCC to dismiss NTA's application and, at the same time, designate for comparative hearing the four other applications for the Wilmington channel. They include Rollins Broadcasting Inc., Wilmington Television Co., WHYY Inc., and Metropolitan.

In its petition, Metropolitan stated that all four applicants have been issued 309(b) letters and that the last group of replies were filed on or before Feb. 24.