

ence because "only two cities in the U.S. and Puerto Rico have populations larger than Elizabeth that do not have standard broadcast stations."

## Crowder loses WXXL on trafficking issue

What an FCC hearing examiner may recommend, the commission may not give heed to.

That hard fact of the commission's administrative processes was borne out last week when the commission denied the five-year-old application of F. L. Crowder, trading as Harriman Broadcasting Co., for 970 kc, 500 w, daytime only WXXL Harriman, Tenn. (The application, which had culminated in commission grant of the station, has been in court through four judicial sessions.) At the same time the commission ordered the station off the air tomorrow (Aug. 15).

In 1966 the FCC granted without hearing a new daytime AM, WXXL, to Mr. Crowder. (The grant was Mr. Crowder's fourth broadcast authorization over a 14-year period. Previously he was the sole owner of WHBT Harriman, WDEH Sweetwater, and held a 50% interest in WLIV Livingston, all Tennessee. All three properties were sold by 1964.)

Subsequent charges that Mr. Crowder had engaged in trafficking and that his application represented alleged economic injury to Folkways Broadcasting Co., WHBT Harriman, which raised both issues, saw the U.S. Court of Appeals reverse FCC edicts twice. Eventually the station was permitted on the air pending expedited determination of the trafficking and economic issues set for hearing.

In July FCC Hearing Examiner Herbert Sharfman in an initial decision recommending grant of the application termed the trafficking issue as an attachment of "a mighty big barnacle to a mighty small hull" (BROADCASTING, July 10). But the commission found the examiner had failed to accord "proper weight to relevant and material evidence" bearing on the issue.

**Profit Taking** ■ Instead the commission maintained that Mr. Crowder had failed to adequately reconcile several inconsistent representations he made relating to the disposal of his various broadcast properties. The fact that Mr. Crowder realized profits of \$61,000 on the WHBT sale, \$22,000 on the WDEH sale and \$50,000 for relinquishing his interest in WLIV also bolstered up the trafficking charge.

The primary circumstance weighing

against grant of the application, noted by the commission, is that Mr. Crowder "is seeking a station in Harriman where he previously had one. If his primary interest was in station operation in that community, the normal course would have been to continue the operation of station WHBT, not to sell it at a profit and then seek another license."

The commission also said it did not accept his subsequent explanation contradicting previous representations that WHBT was sold because of his ill health, or that his participation in the operation of WLIV was other than that represented in the station's application. "We cannot permit an applicant thus to decide as it suits his purpose which of his inconsistent representations we are to believe," the commission said.

Ultimately the commission found that Mr. Crowder "has not shown that he acquired [the Harriman and Sweetwater] stations for the principal purpose of operating them in the public interest. On the contrary, the record indicates that the two stations were treated as properties to be bought and sold at a profit rather than as facilities reasonably to be devoted to serving the public."

## Examiner recommends frequency switch

FCC Hearing Examiner Isadore A. Honig has recommended that WAKX Superior, Wis., be granted the frequency currently held by WIGL, that city.

The examiner's initial decision resolved a contested proceeding involving a license-renewal application for WIGL and ultimate assignment of the license to D. L. K. Broadcasting Co., and a request from WAKX (Quality Radio Inc.) to operate on the WIGL frequency (970 kc) instead of its present frequency (1320 kc). WIGL, currently in trusteeship, has been silent since March 1966.

At a hearing on May 18, the WIGL trustee and D. L. K. were declared in default when their attorney indicated they would not immediately proceed with the presentation of evidence under the specified hearing issues. Mr. Honig recommended denial of the WIGL renewal and assignment.

## WIKY-FM Pulse share 3.0

In the Special Report: FM, BROADCASTING, July 31, WIKY-FM Evansville, Ind., is shown with a Pulse share of 1.0 for Monday-Friday. The figure should have been 3.0 for the time WIKY-FM was on the air and not duplicating WIKY.

## NABET-network talks stall over procedure

Negotiations over master contracts between ABC and NBC and the National Association of Broadcast Employees and Technicians (NABET) remained deadlocked late last week over a procedural question that arose during the first day of bargaining between the two parties in Miami Beach.

On Thursday (Aug. 10) NABET filed unfair-labor-practices charges against the two networks with the National Labor Relations Board in New York. NABET, which represents some 3,000 network engineers, technicians and other broadcast personnel in 37 units, claims ABC and NBC have refused to bargain because NABET will not relinquish the right to determine the ground rules under which negotiations will take place. Until the procedural question is settled, probably by the NLRB, actual bargaining over wages and working hours will remain bogged down.

NABET's former three-year-old master contract with the networks expired on March 31, but was extended to Aug. 31. It was learned that the union was ultimately seeking, not surprisingly, higher wages and a shorter work-week, among other things.

Should the NLRB decide in favor of NABET, it will be the second such victory for the union in as many weeks: An impartial umpire recently upheld a NABET contention that the International Alliance of Theatrical Stage Employees (IATSE) was "raiding" its (NABET's) ranks for membership in Los Angeles and New York that was said to be in violation of the AFL-CIO constitution.

## WJBF(TV) goes primary ABC

WJBF(TV) (ch. 6) Augusta, Ga., becomes a primary ABC-TV affiliate on Sept. 1. The station has been using both NBC-TV and ABC-TV programming. ABC observed that NBC had held a primary affiliation with WJBF for the past 14 years. NBC indicated it had agreed with the station on a termination of the affiliation and that its coverage in the market would be provided by other affiliates in adjacent areas. WJBF is a Fuqua Industries station. John Radeck is vice president and general manager.

## NAB plans research grants

The National Association of Broadcasters has announced the second-