

city was "extremely eager" to assign the license.

Another issue in the hearing was whether McLendon had engaged in trafficking during the course of its extensive broadcast activity. (The company owns 10 AM and FM stations and one television station). However, the bureau concluded that neither numerous sales of broadcast properties nor profits on the transactions by themselves constitute trafficking. The criterion, it was argued, is whether the licensee has a "credible, consistent, adequate and uncontradicted" explanation for his activity.

ABC resists shift to San Diego U

It says it would lose \$1 million a year if forced to disaffiliate from Tijuana V

ABC and XETV(TV) Tijuana, Mexico-San Diego urged the FCC last week to reject petitions seeking the breakup of their 13-year affiliation arrangement. ABC said such a breakup would only put it further behind in its effort to compete with CBS and NBC.

The petitioners see themselves as gaining if the commission grants their request to deny ABC's application for an extension of authority it has had since 1955 to transmit network programs to the Mexican station. They are KCST(TV) (ch. 39) San Diego (BROADCASTING, Nov. 18) and two San Diego CATV systems which filed subsequently in a joint pleading—Mission Cable Inc. and its subsidiary, Pacific Cable Inc. The cable systems are under the corporate umbrella of Cox Broadcasting Corp.

KCST believes that if the application is denied, ABC will pick it up as its San Diego affiliate. The other stations in the market, KFMB-TV and KOGO-TV, are already network-affiliated. And, like XETV, they are VHF's.

The CATV systems' petition is an outgrowth of last June's commission decision restricting their authority to import Los Angeles signals—a decision based on the commission's concern for the development of UHF in San Diego. Accordingly, the cable systems suggested that if ABC did affiliate with KCST, thus enhancing that station's economic prospects, the commission might ease the restrictions it placed on the San Diego cable systems.

In a separate petition, Mission has asked the commission to hold a hearing on the license-renewal application of KFMB-TV San Diego, to determine what help that VHF could provide UHF in the market (see page 36). As an alternative to its request for denial of the ABC application, Mission is asking that it be set for hearing in consolidation

Ohio group to buy piece of UA's Cleveland UHF

Ohio Radio Inc., group broadcaster, intends to exercise its option to purchase one third of the construction permit for WUAB(TV) Lorain-Cleveland, Ohio, from United Artists Broadcasting Inc.

The option was provided in the 1965 agreement when Radio Ohio withdrew its application for the channel 31 outlet

in competition with UA. The price is dependent on the value of UA's stock at the time the transaction is consummated. UA also has a construction permit for KUAB(TV) Houston, and its corporate parent, Transamerica Corp., seeks to merge with Metromedia Inc.

Ohio Radio owns WLKR-AM-FM Norwalk, WKTN-FM Canton, WRWR-FM Port Clinton and WAWR-FM Bowling Green, all Ohio. It is also applicant for a new AM at Bowling Green.

with the KFMB-TV renewal matter.

ABC, in its response last week, said that denial of its application would have adverse effects on the San Diego public as well as on ABC. Assuming it did affiliate with KCST (and it pointed out it might seek secondary affiliations with the VHF stations in the market), ABC said, its programs would reach 110,300 fewer television homes in the market than it does now. ABC based this on the relative coverage of XETV and KCST and on the CATV activity in importing signals of network-owned KABC-TV Los Angeles.

Furthermore, ABC said, a study by its research department shows that a transfer of the XETV affiliation to KCST would result in an annual loss to ABC "in excess of \$1 million." Since the network is already losing money, ABC said, such reduction in revenues "would be a serious setback."

And its competitive position with respect to CBS and NBC, ABC said, "would be further weakened not only by the loss of revenues but by the impairment of national ratings which would result from its reduced audience in San Diego, the 50th ranking market in the country."

ABC noted that the commission has in the past refused to intervene in network affiliation affairs to reduce ABC's "competitive disadvantage." (In September, the commission rejected a plea by ABC President Leonard Goldenson for protection against NBC raids on ABC affiliates in two-VHF markets.) Thus, it said, it would be "ironic" if the commission should intervene in the San Diego situation "to increase that disadvantage."

ABC and XETV also challenged the bases of the petitions to deny ABC's application. A principal assertion in the KCST petition was that the commission had originally granted ABC authoriza-

tion to transmit its programs to XETV "only because a third station was not available in San Diego."

XETV, in a petition in which its U.S. sales agent, Bay City Television Inc., joined, said that that was only one factor underlying the commission's 1955 decision. XETV said the commission was concerned with making ABC programs available to San Diego residents—and the forced affiliation of ABC with KCST, it added, would deprive "a substantial number" of those persons of the network's programs.

ABC and XETV also rejected a KCST argument based on a court decision handed down after San Diego stations appealed the original commission grant. KCST said the decision is to be regarded as requiring the commission to examine XETV's nonnetwork programming to determine whether the public interest would be served by strengthening XETV's U. S. audience through ABC service. The commission itself in 1958 "apparently" misread that decision, according to ABC.

ABC and XETV asserted the decision said only that the commission should deny permits to avoid giving greater exposure to objectionable foreign programs—such as, XETV added, "lottery programs, obscene films, or fraudulent advertising messages."

In any case, the Tijuana station said, the argument made by KCST, and adopted by Mission, that it carries nothing but ABC and syndicated programming, with no live or local public service programming, "is false and distorted."

XETV, in attacking the CATV systems' petitions, said that "whimsy, rather than logic, is Mission's principal commodity." XETV said Mission apparently is "still smarting" from the commission decision restricting CATV systems' activities in San Diego.

But if Mission feels that the commission should compel VHF stations to share network affiliations with UHF outlets or compel networks to affiliate with prescribed stations, it has chosen the wrong vehicle, XETV said.