

# FCC approves group purchases

## In split decisions it OK's Taft's U buy and Buckley's collection of four AM's

Five station sales aggregating nearly \$9 million won FCC approval last week. Starr Broadcasting Group Inc., acquired four AM's: WBOK New Orleans, for \$700,000 from WBOK Inc.; WLOK Memphis, for \$900,000 from WBOK Inc.; KYOK Houston, for \$1,390,000 from KYOK Inc., and KXLR North Little Rock, Ark., for \$450,000 from Little Rock Great Empire Broadcasting Inc.

Also announced, in a separate order, was the sale of WIBF-TV Philadelphia from WIBF Broadcasting Co. to Taft Broadcasting Co. for \$1.4 million subject to adjustments and assumptions of debt that may bring the total to \$4.5 million (BROADCASTING, May 12).

Starr is controlled by William F. Buckley Jr., columnist, TV commentator and owner of the weekly *National Review*, with Peter H. and Michael Starr holding minority interests. The company has proposed to sell 73.3% of its stock to the public as part of its financing plan for acquisition of the four AM's. After the public issue, Mr. Buckley will own 16.9%, Peter Starr 8.4%, and Michael Starr, 1.4%.

WBOK, WLOK and KYOK presently have Negro-oriented formats, which will be continued under the new ownership. The three stations had been commonly

owned by Jules Paglin and Stanley Ray, each 50%. Messrs. Paglin and Ray also own wxok Baton Rouge and wkok Mobile, Ala. KXLR was under sole ownership of Mrs. Bernice Lynch, who owns KBYE Oklahoma City and has a construction permit for a new FM in that city.

The Starr group also owns KOZN and KOWH-FM, both Omaha; KUBL, Fairway, Kan; KCJC-FM Kansas City, Kan., and KISD Sioux Falls, S.D.

Sale of the four AM's was approved by a vote of 5-to-2, with Commissioners Robert T. Bartley and Nicholas Johnson dissenting and issuing statements. Mr. Bartley said in a one-page statement that he believes "a serious question exists as to concentration of control." The commissioner also raised questions about Starr's financial qualifications (the group lost over \$168,000 last fiscal year), and about its plan to go public.

Mr. Johnson's much longer dissent also dealt with the questions raised by Commissioner Bartley, and introduced other considerations as well. According to Mr. Johnson, there is no "hard evidence that multiple ownership of these four Southern stations will not violate the commission's strong policies

against concentration of control. . . ." He also charged that the majority had failed to consider "the public-interest implications involved" in handing to one owner "more than 50% of the Negro-oriented audiences" in three large Southern cities.

However, the commission majority found no concentration-of-control problem. It noted that the four AM's are geographically separated from Starr's other stations and from each other. Additionally, the commission said that a grant of the transfers would serve to decrease concentration of control by Messrs. Paglin and Ray. The fact that WBOK, WLOK and KYOK serve a specialized market "further dispels any suggestion of concentration of control," the commission said.

The last point led Commissioner Johnson to a diametrically opposite conclusion. As he saw it: "The preliminary effort in excessive concentration of control is always to delimit the particular 'line of commerce' involved . . . we cannot ignore the fact that WBOK, WLOK, and KYOK have successfully specialized their programming to serve the specific needs and interests of their communities' black radio audiences in three major cities." This "quasi-monopolistic concentration of control over a programming format" raises issues which, the commissioner said, "are particularly unfortunate in light of the lessons drawn by the Kerner Commission report on civil disorders." That report, Mr. Johnson said, attributed the "alienation and helplessness" felt by many black Americans partly to failures on the part of mass media—failures which could be reversed to some extent by "diverse and local ownership and control of community broadcast stations," the commissioner said.

Taft purchased WIBF-TV from William L. Fox, Irwin C. Fox, Dorothy Kotin, Benson Apartment Corp. and Fox Brothers Management Corp. They retain WIBF-FM Jenkintown, Pa.

Grant of the transfer required waiver of the commission's duopoly rules, which prohibit common ownership of stations with overlapping grade B contours, because Taft owns WNEP-TV (ch. 16) Scranton, Pa. And, since Taft already owns five stations in the top-50 markets, it had to make a "compelling public-interest showing" to acquire a sixth. (WNEP-TV, Taft's seventh sta-

## Rule waiver permits Roth to trade up

Jack Roth last week got permission from the FCC to trade up his Miami market AM. The commission approved his purchase of full-time WAME Miami for \$1 million; at the same it approved sale of his daytime WRIZ in suburban Coral Gables for \$481,666.

Mr. Roth, a group owner, sold WRIZ to another group operator, Robert W. Sudbrink. WAME was purchased from Stephanie Wyszatycki.

In granting the mutually contingent applications, the commission waived the three-year holding rule for the WRIZ sale on grounds that Mr. Roth's substantial investments in the station demonstrated his intention to serve the Miami market.

Mr. Roth's stations are KONO and KITV(FM), both San Antonio, Tex., and wwok Charlotte, N.C. He owned KONO-TV (now KSAT-TV) San Antonio, but sold the channel 12 ABC-TV affiliate to the Outlet Co. in November 1967.

The Sudbrink properties are WRMS

Beardstown, Ill., and KYND Burlington, Iowa. Mr. Sudbrink, who three months ago sold his WRTH Wood River, Ill. (St. Louis), to Avco Broadcasting for about \$3.3 million (BROADCASTING, Feb. 17), is applicant to purchase KLVJ(FM) Pasadena-Houston from Felix H. Morales for \$150,000.

Commissioner Nicholas Johnson dissented on the WAME assignment of license. Commissioner Robert T. Bartley in a dissenting statement said he would set the WRIZ and WAME assignment applications for evidentiary hearing on issues of trafficking by Mission East Co. (licensee of WRIZ) and Mr. Sudbrink; compliance by both parties with the commission's public notice on ascertainment of community needs; whether Mission East's request for waiver of the three-year rule should be granted, and "how our consent to the transactions here involved would serve the public interest."

WAME, established in 1958, is full time on 1260 kc with 5 kw; WRIZ, which went on the air in 1967, is a daytimer on 1550 kc with 10 kw.