

tion, is not in the top 50 markets.)

Further complicating the transfer was a discovery earlier this month that a Cleveland bank with 3% interest in Taft apparently was also trustee for a beneficial owner of more than 1% of KTNT-TV (ch. 11) Tacoma-Seattle—which would have put Taft over the commission's multiple-ownership limit of seven television stations and five VHF's ("Closed Circuit," May 12). The voting interest in KTNT-TV was later transferred to an attorney for the beneficial owner.

Additionally, the transfer prompted opposition from four CATV firms: Teleprompter Corp.; North Penn Cablevision Inc.; General CATV Inc., and Norristown Distribution Systems Inc. They identified themselves as prospective CATV owners within the grade-A contour of WIBF-TV. The commission found that they lacked standing because they are not "actual" or current competitors in the market, but it considered the "important public-interest questions" they raised.

Despite these questions and qualifications, the commission approved the transfer by a vote of 3-to-2. Chairman Rosel H. Hyde and commissioners James J. Wadsworth and Robert E. Lee voted for the sale, with Mr. Lee issuing a concurring statement. Commissioners Kenneth A. Cox and H. Rex Lee abstained from voting, and Commissioners Bartley and Johnson again dissented, with the latter issuing another lengthy statement.

The commission rejected arguments that the permittee (which put the station on the air in May 1965) would make an "unconscionable profit" on a \$310,000 investment. It stated that the station has consistently lost money since its inception, and said that the permittee's \$500,000 profit on the transfer would be pared by expenses.

A major factor in the grant was "Taft's willingness to underwrite losses while the station is being made competitive," the commission said. It noted that WIBF Broadcasting had approached several local firms in its attempts to sell the station, but had met with no success.

The request for waiver of the duopoly rule, according to the commission, "must be judged against the background of the Philadelphia television market. It is certain the station cannot continue on its present unprofitable course and its end is near unless it can obtain a capital infusion sufficient to make it competitive with entrenched Philadelphia stations owned by other multiple owners."

Noting that the overlap between WIBF-TV and WNEP-TV amounts to 14.5% for the former and 13.3% for the latter, the commission said that the

overlap is based on propagation curves, which, although prescribed by commission rules, "may not accurately reflect propagation of UHF signals and . . . the commission has proposed to adopt a different set of curves." Taft and the commission agreed that under the proposed curves, there would be no overlap.

According to the commission, "the demonstrated public interest in the survival of WIBF-TV and promotion of the growth of UHF broadcasting justifies use of the proposed curves here."

Commissioner Johnson, in dissent, argued that the FCC majority was

"forced to create out of whole cloth a new a priori doctrine of television market structure which can only have catastrophic consequences for the future of independent television in this country. This a priori rule apparently postulates that independent stations have such difficulty surviving in markets where the other stations are owned or controlled by multiple-station owners that the UHF allocations not so owned must be turned over to multiple-station, mixed-media, or conglomerate corporations. . . . I find this hypothesis completely unsupported by logic or fact. . . ."

In reaching this conclusion, Mr.

Nobody we know  
at Channel 7, but  
figures make  
locks their dial  
these audience  
us wonder.



**STATION TOTAL HOUSEHOLDS · DAYTON AREA**



Represented by Petry

Station	Station Circulation*	Sunday thru Saturday †	
		Eve. 7:30 PM 11 PM	Total Day 7 AM 1 AM
WHIO 7	42 counties	439,000	524,000
Station B	33 counties	398,000	457,000
WHIO-TV Advantage	+9 counties	+41,000	+67,000

\*Source: NSI = TV Weekly Cumulative Audiences—November, 1968

†Source: ARB = Circulation Study 1965

Any figures quoted or derived from audience surveys are estimates subject to sampling and other errors. The original reports can be reviewed for details on methodology.



Cox Broadcasting Corporation stations: WSB AM-FM-TV, Atlanta; WHIO AM-FM-TV, Dayton; WSOC AM-FM-TV, Charlotte; WIOD AM-FM, Miami; KTVU, San Francisco-Oakland; WICF-TV, Pittsburgh

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