

ing his position.

He said that the commission failed to justify its reasons for setting 60 days after an application is filed as the cutoff and that there are reasons for extending that period. He noted that in its notice of proposed rulemaking, the commission had suggested a 75-day deadline.

But more than that, he saw in the proceeding a manifestation of the commission's "pro-industry orientation." He said that in the 22 days offered for comment on the "pro-industry rule," the commission received comments from a "vast aggregation of industry wealth and power" but from only two groups representing the public — the United Church of Christ and the National Citizens Committee for Broadcasting.

The commission rule, adopted as the number of competing applicants and petitions to deny was on the rise, protects renewal applicants against such challenges being filed long after their renewals are due for action. Previously, such challenges could be filed until the day before the commission acted on a renewal application—and it is not unusual for the commission to defer such action for weeks, even months beyond the station's license period.

The commission said the 60-day cut-

off "reasonably balances all the pertinent considerations of the public interest, administration practicality and reasonable notice to prospective applicants" (BROADCASTING, May 19).

But Commissioner Johnson said the decision does not say why or how the cutoff is in the public interest. And on the face of it, he added, "it seems obvious that any reduction of the time for filing comments by the public would *prima facie* not be in the public's interest—although obviously in the industry's interest."

ACTS says FCC rules bar success to UHF's

The All-Channel Television Society last week urged the FCC to drop its "building block" approach to UHF television and adopt a decision-making process that would take into consideration the total, cumulative effect of commission action on UHF stations.

In a letter to outgoing Chairman Rosel H. Hyde from Martin E. Firestone, ACTS general counsel, ACTS charged the FCC with raising a barrier to the success of UHF—establishing an unrealistic geographical protection zone of 35 miles for local stations in its pro-

posed CATV rules, permitting CATV origination of programming and carriage of commercials, proposing reallocation of prime UHF channels for land mobile use and allowing an AT&T tariff burdensome to UHF outlets.

ACTS cited the case of Julian Myers, owner of the now-dark KKOG-TV (ch. 16) Ventura, Calif. (BROADCASTING, Sept. 22), who "started his station with the dream of providing his audience with . . . totally live local television" and ended in bankruptcy after trying with limited resources to promote the new service, compete against the larger stations and fight low UHF saturation.

ACTS said Mr. Myers' station was the "penultimate goal envisioned in the All-Channel Receiver Law."

Nixon signs CPB money bill

President Nixon last week signed a bill authorizing \$20 million for the Corp. for Public Broadcasting and \$15 million for three years for facilities grants through the department of Health, Education and Welfare. The authorization must now withstand the scrutiny of congressional appropriations committees, which have in past years made substantial cuts in ETV money.

Station-sale block hot at FCC

WDBJ spin-offs, WERE-AM-FM, WALA-TV are among 14 transactions approved by commission

The FCC did a land-office business last week in approving ownership transfers of radio and television stations.

The sale of WDBJ-TV Roanoke, Va., from Times-World Corp. to the *South Bend* (Ind.) *Tribune* for \$8.2 million and the spin-offs of its AM and FM counterparts were approved—along with the transfers of KFAC-AM-FM Los Angeles; WERE-AM-FM Cleveland; WALA-TV Mobile, Ala., and KHEY(AM) El Paso.

The commission also approved, subject to the outcome of its one-to-a-customer rulemaking, the sales of WIBU(AM) Poynette and WWCF(FM) Baraboo, both Wisconsin; WHSL(AM) and the construction permit for WHSL-FM, both Wilmington, N. C., and KFH-FM Wichita, Kan.

Times World Corp., which is selling its newspapers to Landmark Communications (BROADCASTING, Nov. 18, 1968), decided to spin off its broadcast properties—principally because of the overlap between WDBJ-TV and Landmark's WFMY-TV Greensboro, N. C. Times-World is headed by M. W. Arnaistead III. Franklin D. Schurz is president of

the *South Bend Tribune*, buyer of WDBJ-TV and owner of WSBT-AM-FM-TV South Bend and other newspapers in California, Indiana and Maryland. WDBJ-TV is a channel 7 CBS-TV affiliate. The commission vote was 7-to-0.

WDBJ(AM) is being sold for \$775,000 to WHBC Inc. The buying group is principally owned by Gerald F. Boyd, Joseph Kelly Vodrey and William H. Vodrey and families, who own WHBC-AM-FM Canton, Ohio. WDBJ is full time on 960 kc with 5 kw.

Former Washington sportscaster Jim Gibbons has purchased WDBJ-FM for \$40,000. Mr. Gibbons owns WFMD-AM-FM Frederick, Md. WDBJ-FM is on 94.9 with 14.5 kw and an antenna height of 1,940 feet above average terrain.

KFAC-AM-FM Los Angeles and WERE-AM-FM Cleveland were sold by Cleveland Broadcasting Inc. to Atlantic States Industries Inc. for an estimated \$7.7 million. Grant of the sale was conditioned on Atlantic States disposing of WERE-FM "as soon as practicable."

Although WLEC-AM-FM Sandusky, Ohio, had been included in the transfer application (boosting the original total price to \$9 million), the commission

said action on the proposal to sell the stations would "be held in abeyance pending the filing of such applications as may be necessary to permit the stockholders of Cleveland Broadcasting Inc., or any group of such stockholders, to make arrangements for disposing of these stations."

Atlantic States Industries had filed applications proposing to spin off the Sandusky stations to RadiOhio Inc. (WBNS-AM-FM-TV Columbus, Ohio) for \$835,000 (BROADCASTING, Dec. 2, 1968). ASI also proposed selling WERE-FM to L. E. Chenault (KYNO[AM] Fresno, Calif.) for about \$500,000; however, that sale fell through.

In granting the KFAC-AM-FM portion of the transaction, the FCC waived its interim one-to-a-customer policy. It was argued that the public interest would best be served by allowing the KFAC stations, which provide a classical-music service, to remain under common ownership. The FCC said no such showing was made in support of such ownership of WERE-AM-FM and noted ASI's earlier proposal to spin off WERE-FM.

Principals of Cleveland Broadcasting