

sports programing" provided by WHDH-TV in its 14 years on the air "calls for the support of the station's own public and its loyal viewers." The petitions, addressed to FCC Chairman Dean Burch, urge the commission to grant WHDH-TV "a permanent license of the usual term to operate" on channel 5 Boston.

The commission in January 1969 denied WHDH-TV's license renewal application, and awarded the channel to Boston Broadcasters Inc. The decision has been affirmed by the courts.

The effort of the New England Citizens Committee for WHDH-TV is being led by Charles W. Grinnell, of Manchester, Mass., now an executive with a marine construction and contracting firm but a former broadcaster—he owned WSKI(AM) Montpelier, Vt., from 1951 until 1957 and was a co-founder of the Vermont Association of Broadcasters.

He says that neither he nor anyone on his committee has any connection with the Herald Traveler corporation or the station, and that no one at either place knew about the committee's plans. Mr. Grinnell wrote George Akerson, Herald Traveler board chairman, of the committee's existence on Nov. 19, at the same time it mailed its petitions.

Mr. Grinnell, who has already received "six or eight" completed petitions and "several" \$1 contributions to help defray the cost of the mailings, said he did not know what effect the petitions will have. But, he added, "anybody in Washington will appreciate the fact that the station has popular support."

FCC refuses ex-parte appeals in Okla. cases

An Oklahoma father's and son's attempt to have the FCC disqualify itself on ex-parte grounds from case involving their respectively owned radio stations in that state has been quelled by the commission. The commission affirmed its earlier order denying license renewal for KWL(AM) Wagoner, Okla., which is owned by Lum A. Humphries, and KVIN(AM) Vinita, Okla., owned by his son, Gene.

The commission denied renewal for the two stations as well as an application for a new FM facility by the younger Mr. Humphries last June (BROADCASTING, June 28), on grounds of numerous rule violations at KWL(AM) and a misrepresentation issue concerning both stations. The commission had been asked to reconsider the June action by Messrs. Humphries and a number of citizen groups in both communities.

The ex-parte allegations arose out of the forwarding to FCC Chairman Dean Burch's office of a letter sent by the Vinita assistant district attorney to his congressman concerning the KVIN pro-

ceeding. Messrs. Humphries had contended that since no copies of the letter were served on other parties in the proceeding, namely themselves, the commission might have been swayed in deciding the outcome of the case by the presence of alleged privileged information.

The commission ruled, however that the letter in question cannot be considered an ex-parte communication because the assistant district attorney is not a party of interest in this proceeding. It said that while communications from members of the general public such as the Vinita official's letter are discouraged in proceedings of this nature, they are not prohibited by law and the commission is not disqualified simply because Mr. Burch received it.

The commission also ruled that the citizens groups' support of petition does not justify a reopening of the proceeding at this late stage, pointing out that the petition did not cite any new particulars that could be dealt with in a further hearing.

Messrs. Humphries were authorized to continue operating their stations until 30 days after the final outcome of any judicial appeal they might file. If no appeal is forthcoming, the commission said, the stations must go off the air by Dec. 18.

Gannett broadcast roster down to WHEC-TV

Once a formidable name among the ranks of major group broadcasters, Gannett Co.'s station inventory has now diminished to one. On Nov. 19, the FCC staff approved the Rochester, N.Y.-based firm's \$1.5-million sale of WHEC(AM) there, to Sande Broadcasting Co.

With the exit of WHEC, Gannett, which claims to be the largest newspaper publisher in the nation, is left with only WHEC-TV Rochester, which was not involved in the current transaction.

Although Gannett has told the FCC that it does not believe its media cross-ownership situation in the Rochester area constitutes an undesirable concentration of control there (it also owns the Rochester morning *Democrat and Chronicle* and the evening *Times-Union*) the firms said in its FCC transfer application that it is disposing of the AM facility because of the commission's current rulemaking that would prohibit television-AM radio combinations. Publicly-owned Gannett presently owns 51 newspapers throughout the country.

The principals of Sande Broadcasting are John L. Nichols, its president, Paul R. Dean, John T. Sayre and Peter N. Paris. All are local residents. Messrs. Dean and Nichols are partners in Paul R. Dean & Co., a Rochester municipal-

bond dealer. Mr. Sayre is president and general manager of LIN Broadcasting's WBBF(AM) Rochester. Mr. Paris is executive vice president and secretary of Paris-Budlong-Esse, an insurance agency there.

WHEC operates on 1460 khz with 5 kw.

FCC's attitude cited as reason for UHF sale

Further details of the sale of WKNX-TV (ch. 25) Saginaw, Mich., to Rust Craft Broadcasting Corp. (BROADCASTING, Oct. 25) were provided last week by Lake Huron Broadcasting Co. in its filing to the FCC for approval. Purchase would give Rust Craft its sixth TV outlet.

Rust Craft will pay \$1.6 million for the station, minus the FCC's 2% grant fee, which will be assumed by Lake Huron, and certain accounts receivable. The grant fee in this case would amount to \$32,000. The accounts receivable could be as much as \$41,800. Accordingly, the least Rust Craft could pay for WKNX-TV would be \$1,526,200.

Lake Huron Broadcasting is owned by William J. Edwards and Howard H. Wolfe, each with 50% of its stock. The company also owns WKNX(AM) Saginaw, which is not involved in this transaction, and KENR(AM) Houston. The sellers told the FCC that they are selling WKNX-TV in order to "effectuate" the FCC's impending policy against the common ownership of AM-TV facilities in the same market, which would be prohibited under a proposed rule-making. It also indicated that the sale would "reinforce" the company's financial stability.

Rust Craft Broadcasting is a wholly owned subsidiary of Rust Craft Greeting Cards Inc., a publicly owned company. Rust Craft Broadcasting owns either directly or through 100%-owned subsidiaries WSTV-AM-FM-TV Steubenville, Ohio; WJKS-TV Jacksonville and WSOL(AM) Tampa, both Florida; WRDW-TV Augusta, Ga.; WRoc-AM-FM-TV Rochester and WWOL-AM-FM Buffalo, both New York; WRCB-TV Chattanooga; WRCP-AM-FM Philadelphia, and WPIT-AM-FM Pittsburgh. It also owns Rust Craft Cable Communications Inc., which operates several CATV systems in Ohio and West Virginia. Marshall Berkman is the parent company's president and chief operating officer.

WKNX-TV, a CBS-TV affiliate, has been operating since 1953.

MediaNotes

In Shepard's memory * The Shepard Foundation, Boston, has made a \$7,000 grant to Emerson College's WERS-FM Boston. The grant is dedicated to the