

prompted by a letter sent to Mr. Wiley by Willard E. Walbridge, chairman of the National Association of Broadcasters' Special Committee on Pay Television last month (BROADCASTING, June 24).

Mr. Walbridge noted that WPIX-TV New York has customarily broadcast a number of Yankee games each season, including this one. Home Box Office is distributing some of the games not broadcast. Under FCC rules that prohibit pay-cable use of sports events seen on free television in the preceding two years, "it has been our understanding," said Mr. Walbridge, that the Yankee games would be "unavailable" to the pay system.

Responding to Mr. Walbridge, Mr. Wiley said the FCC "will give this matter its most careful attention and deliberation."

### Cable Briefs

**Trying again.** Boulder, Colo., which despite nationally heralded cable study two years ago still hasn't franchise, now has three applicants, city official says. One is Communications Corp. of Boulder, owned by three Troy, N.Y., businessmen; second is group of four principals headed by Ken Downes Associates, Los Gatos, Calif. Third is Samuel Street & Associates, cable consultancy that moved to Boulder early this year with intent to establish system there and which is regarded as frontrunner. Teleprompter Corp., original Boulder franchisee, pulled out several months ago.

**Cooperation.** Bids will be accepted next month from cable firms wishing to apply for franchise being worked out jointly by three local governments in Roanoke county, Va. Franchise would include Roanoke city, Vinton and unincorporated areas of county.

**Freeze.** Pennsylvania citizen groups have formed coalition to work with state, local cable regulators—and immediately called for moratorium on further CATV development in state. Citizens for Cable Awareness in Pennsylvania says breather is needed to help officials, industry get clearer picture of cable's developing nature.

**Cheating with buttons.** Some resourceful people in Beverly Hills and Westwood, Calif., have discovered how to get a free ride on Theta Cable's pay TV service, and the company is taking countermeasures, it acknowledged last week. Theta began its pay TV service last April, and now has about 15,000 pay customers, according to Jack Mann, Theta marketing vice president. Some regular customers, he said, discovered they could bring in the movie "Z" channel without paying by depressing two buttons on the converter. Counter-attack consists of removing the Z channel frequency from all homes, except those that subscribe. Theta charges \$6 extra a month, plus selector and hook-up fees on top of its regular charges that range from \$5 to \$8.45 per month.

## Payola charge backfires on small label's chief

**CMCA president, at news conference, says WMEX Boston made him buy ads for playing his 'Run Around Sue'; station denies all charges and Stax balks on distribution deal**

Calling a public news conference to charge a Boston top-40 station with "payola" proved a disaster to a fledgling record company president, who wound up undermining a sale to Stax Records of the very song he said was used in the alleged extortion. John Dexter Worthington, president of obscure CMCA Record Co., of New York, last Monday (July 22) told the Boston news media that WMEX(AM) received \$800 in commercials and 500 promotional T-shirts from him in exchange for playing his label's single, *Run Around Sue*. The song is a revival by a Boston group known as *The Second Society*, of the '60's rocker.

At the same time he was making the complaint, which alleged the station stopped playing the song because the flow of T-shirts and ads was stopped, Mr. Worthington was seeking to close negotiations with Stax Records, in Memphis, a division of Columbia Records, for rights to distribute the song. Stax sources confirmed that the deal was being considered for the distribution of the song, but that because of Mr. Worthington's highly visible actions in Boston "we don't know whether we'll go ahead with it."

WMEX publicity director Ansel Chaney "categorically" denied all Mr. Worthington's charges and said the station's playing *Run Around Sue* was dictated only by its sales popularity in area record stores. Mr. Worthington had said at the news conference that he had lodged a complaint about WMEX with the FCC; however FCC Complaints and Compliance Director William Ray told BROADCASTING he had "nothing in writing"—only a telephone call July 22 from Mr. Worthington outlining his grievance.

According to Mr. Worthington, *Run Around Sue* was a top-requested item from WMEX's listeners and was selling extremely well in Boston record stores when the station removed it from its playlist. The *Boston Globe* reported that at his news conference, Mr. Worthington declared he had "affidavits from 25 record stores that the record was top 10 in sales. WMEX said it was not selling. But even today, checks show it is selling well." Mr. Ray said Mr. Worthington told him that the station refused to play the record because he wouldn't kick in more advertising and T-shirts. According to the *Globe*, Mr. Worthington said he was told by the station's program director "that if I bought advertising the record would stay on."

Mr. Chaney said Mr. Worthington did contract to buy \$800 worth of promotional advertising for the single and donated 500 promotional T-shirts to the station. The shirts carried the name of the song on one side and the station's

logo on the other. However, Mr. Chaney said the promotional expenditures were "all his [Mr. Worthington] idea."

The promotion ads and shirts for *Run Around Sue* came in while the song was being played and requested, both parties agree. On July 12, The Second Society performed *Run Around Sue* and other material for a charity event in New Hampshire sponsored by WMEX. Shortly afterward, the song was taken off the station's playlist. Mr. Worthington then tried to "get the song put back on" and offered to buy more ads and more shirts, Mr. Chaney said. "He made certain threats, and said he would file complaints—but we can't yield to that kind of pressure," Mr. Chaney said.

**Extras.** The following new releases, listed alphabetically by title, are making a mark in BROADCASTING's "Playlist" reporting below the first 75:

- BE MY DAY, Cats (Fantasy).
- CAPTAIN HOWDY, Simon Stokes (Casablanca).
- FREE, Fresh Start (ABC-Dunhill).
- GEORGIA PORCUPINE, George Fishoff (United Artists).
- GIVE ME A REASON, Maureen McGovern (20th Century).
- I'M COMING HOME, Spinners (Atlantic).
- I'VE HAD IT, Fanny (Casablanca).
- (OLD HOME, FILLER-UP) KEEP ON A TRUCKIN' CAFE C. W. McCall (MGM).
- KING FU, Curtis Mayfield (Curton).
- KING OF NOTHING, Seals & Crofts (Warner Brothers).
- LOVER'S CROSS, Melanie (Neighborhood).
- RIVER RISIN', Edgar Winter Group (Epic).
- THEN CAME YOU, Dionne Warwick/Spinners (Atlantic).
- WALK ON, Neil Young (Reprise).

**Tracking the 'Playlist.'** There are 11 new songs coming on the "Playlist" this week; they are led by Barry White's *Can't Get Enough of Your Love*, which cuts in at 39, and the *Heywoods' Who Do You Think You Are*, which leapfrogs on at 52. Close behind is *Happiness Is Just Around the Bend* (52), by Main Ingredient, and the Doobie Brothers' *Eyes of Silver* (58). Another new song with a bolt is Bob Seger's *Get Out of Denver* (63). Also new and hovering this week at the bottom of the "Playlist": Charlie Rich's *I Love My Friend* (67), Guess Who's *Clap for the Wolfman* (69), Lynary Skynyrd's *Sweet Home Alabama* (70), Diana Ross's and Marvin Gaye's *Don't Knock My Love* (72), Herb Ohta's *Song for Anna* (73) and Ray Stevens' *Moonlight Special* (75). Breaking top 40 in its second week on the chart is Eric Clapton's *I Shot the Sheriff* (35, with a bolt) ("Breaking In," July 1), Billy Preston's *Nothing from Nothing* (37) and Lamont Dozier's *Fish Ain't Bitin'* (40, with a bolt). Other bolted singles: Grand Funk's *Shinin' On* (49), Lobo's *Rings* (55) and the Rubettes' *Sugar Baby Love* (56).