

service to deliver programming to our affiliated cable-TV and master-antenna TV systems," Mr. Levin said. "This includes telephone and independent microwave common-carrier facilities, multipoint distribution service (MDS) and community antenna relay service (CARS-band) microwave. As we expand our present network and look to other parts of the U.S., Gilbert will help us cope with our anticipated need for rapid but orderly growth. Transcommunications Corp. is uniquely qualified to advise us on the additional step of using domestic satellite transmission facilities."

Mr. Gilbert has been manager of TV, voice and data operations for CPI Microwave, Austin, Tex., since 1972, and was traffic facilities manager in the ABC engineering department for six years before that. Transcommunications Corp., based in Greenwich, Conn., is headed by Robert E. Button, former executive of Communications Satellite Corp. and Teleprompter Corp., and Hubert J. Schlafly, a co-founder of Teleprompter (BROADCASTING, March 3).

Switch of the week: FCC is asked to order sex acts cleared on cables

The FCC, which has been attempting to jawbone broadcasters into easing off on material that might be considered obscene or indecent has received an appeal from the producer of a program for two cable television access channels in New York who claims the cable companies involved have censored sexually explicit shows. The commission, however, is playing the issue low key, at least for now.

Michael Luckman, producer of the *Underground Tonight Show*, wrote David Kinley, chief of the commission's Cable Television Bureau, accusing Sterling-Manhattan and Teleprompter of illegal censorship in banning a segment featuring a demonstration of male masturbation. Mr. Luckman noted that commission rules forbid cable systems from censoring access channels, except in the case of obscenity. He asked the commission to hold a hearing on the revocation of the franchises of both companies, which serve Manhattan.

A cable bureau staffer last week said a letter was being prepared advising Mr. Luckman that cable systems have an obligation to prohibit the display of obscene or indecent material on their systems' channels. However, if Mr. Luckman wants a ruling, the staffer said, he will be advised to request a declaratory ruling or to file some other pleading which would enable the commission to build a record on which a decision can be reached.

The question of whether the commission will hold a hearing would be up to the agency to decide. In a case involving the broadcast of an allegedly indecent record by WBAI(FM) New York, the commission issued a ruling simply on the

basis of written pleadings (BROADCASTING, Feb. 17).

The commission is asking Congress for legislation making it clear that the present law banning the airing of obscenity and indecency applies to television and should be extended to cable television.

NATO told it's in wrong place

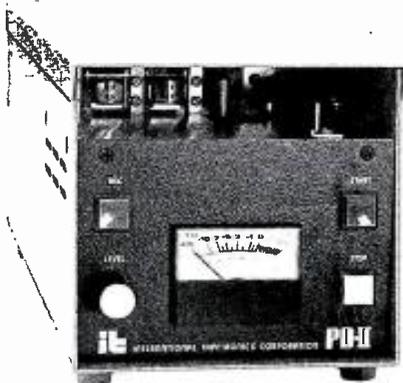
The FCC has dismissed a petition by the National Association of Theater Owners Inc. for an order directing Warner Communications Inc. to cease showing motion pictures on cable television.

The theater group argued that a 1951 antitrust consent decree by the U.S. Dis-

trict Court for the Southern District of New York had directed Warner's predecessor not to exhibit movies, and Warner was violating that decree by showing films on pay channels of its cable systems. NATO noted that pay cable did not exist in 1951, but suggested, that the "operative language" of the consent decree went beyond prohibiting movie exhibition only in "traditional" theaters.

The FCC, however, pointed out that no violation of commission rules was claimed and therefore it was not the forum to interpret or enforce the 1951 consent decree. The "most logical way to resolve the conflict," said the commission, is to apply to the district court for interpretation.

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