

specifics for the rewrite, it was by design. The subcommittee has accepted Mr. Van Deerlin's plan to proceed with a staff draft that at least Mr. Van Deerlin and subcommittee Republican Lou Frey (Fla.) would co-sponsor.

The meetings last week were to give the members an opportunity to have their say before the drafting begins and, according to one member who sought them, served their purpose. Representative Albert Gore (D-Tenn.) said afterward he was pleased with the result: "In almost every single area" he said "the staff has gotten a feel for the general direction in which the subcommittee wants to move."

Some of the high points of the discussion at last week's meetings:

■ **On deregulation of radio and TV**—While Representatives Frey, Thomas Luken (D-Ohio) and Timothy Wirth (D-Colo.) supported Mr. Van Deerlin's proposal for lifting ascertainment, equal time and fairness doctrine strictures from radio, a dissident view was expressed by Representative Henry Waxman (D-Calif.), who suggested that too much deregulation would "obviate" the notion that radio is a public resource. Mr. Van Deerlin's suggestion, he said, would amount to taking the commercial radio portion of the spectrum "and making it a property of the licensees instead of the public."

Subcommittee Counsel Harry M. (Chip) Shooshan subsequently said the spectrum-use fee "would answer Mr. Waxman's concern about returning some of the value to the public."

Representative Gore took a middle-of-the-road approach on the deregulation question, saying that "as a general rule I think we need to move in the direction of removing restrictions on radio outlets." But, he added, "I would be opposed to complete removal of licensing restrictions" from radio. He suggested the staff keep in mind the rewrite proposal of the United Church of Christ (BROADCASTING, Jan. 2), which would have the FCC set quantitative standards for both radio and TV governing the kinds and amounts of programming stations would have to carry to fulfill the public interest.

The members who spoke on the issue seemed unanimous in the view that there should be different regulation for radio and TV. "It's quite clear," Mr. Van Deerlin said at one point, "that we would regard radio licensing differently from TV, at least in multistation markets."

Mr. Frey suggested, in addition, that the staff may want to consider assigning values to radio and TV licenses, one way he suggested to make it easier for new minority owners to get loans from banks.

■ **On program diversity and the networks**—Representative Wirth made the strongest appeal for more diversity in TV, saying he objects to the "general junk that we see on TV as a steady diet for kids . . . It seems we want to move toward greater diversity, toward greater choice beyond the three networks," he said. But he rejected the option of regulating the networks or

removing their substantial income producers, the O&O's. "Let's leave the networks alone. Let's not mess with them," he said, a point with which Mr. Van Deerlin concurred.

Mr. Wirth said he preferred the alternative of encouraging other programming outlets; he mentioned bringing UHF to parity with VHF, better management of the spectrum and encouraging cable and public broadcasting. Mr. Van Deerlin added satellite-to-home broadcasting to that list.

Representative Carlos Moorhead (R-Calif.), however, raised doubts that opening the marketplace to new media would bring about diversity. In radio, where there is presumed diversity now, he said, "you're down to music and sports and talk programs and that's it."

■ **On pay cable**—Representative Frey advocated barring pay cable access to major sports now on over-the-air television, saying he foresees the time when pay cable will be able to outbid the networks for some events. "I feel strongly that I don't want to see the National Football League end up on pay," he said. That drew an argument from Representative Gore, who said he can find no justification for government telling cable—pay or conventional—what it can or cannot program.

■ **On clear channel radio**—Representative Moorhead called for changes in the allocation of clear channel radio frequencies. He said it makes no sense that local radio stations occupying clear channels should have to go silent at night to protect a signal from hundreds of miles away. Mr. Van Deerlin seconded the thought. "I couldn't agree more," he said.

■ **On crossownership restrictions**—Representative Frey said he thinks rules barring crossownership of broadcasting and other media have been "overly restrictive" and would support relaxing them. Representative Gore disagreed, saying: "Where there's concentration of power, there's trouble. It doesn't take a social scientist to tell you that. It's common sense."

## Allbritton deal again clears FCC; court appeal is still a hang-up

**Reconsideration turns up no reason to revoke approval of trade with CCC; parties lift deadline for closing, but are free to walk away**

The exchange of Joe L. Allbritton's WJLA-TV Washington for Combined Communications Corp.'s KOCO-TV Oklahoma City and \$55 million in CCC nonvoting preferred stock was given its second 5-to-2 vote of approval by the FCC last week. But the question of when and even whether the exchange will be completed remains.

The court appeal of four citizen groups seeking to block the exchange remains an obstacle; because of it, the parties are not rushing to close the deal.

The commission last week, in reaffirming its original Jan. 12 decision, denied the groups' petition for stay pending review of the approval order by the U.S. Court of Appeals in Washington. However, the groups had said they would, if necessary, ask the court for a stay, and the parties were awaiting the outcome of such a move. As of Friday, no request had been filed.

What's more, none of the attorneys involved had seen the text of the commission's order. And lawyers for Mr. Allbritton indicated they wanted to assure themselves of the likelihood of the order surviving a court challenge before advising their client on whether to close. CCC spokesmen continue to indicate strong interest in completing the transaction.

The contract, whose deadline was extended twice to accommodate the commission's schedule on the matter, now remains in effect until either of the parties withdraws.

Mr. Allbritton is disposing of WJLA-TV in accordance with a condition the commission in 1976 attached to its approval of Mr. Allbritton's acquisition of Washington Star Communications Inc. He was to comply with the commission's media crossownership rule by selling either the *Washington Star* or the station within three years.

The commission decided to reconsider the Jan. 12 vote after Mr. Allbritton announced on Feb. 3 the sale of the *Star* to Time Inc., since the financial benefit that the station sale would mean for the troubled *Star* had been a factor in the minds of several voting for approval.

But after reconsideration, the commission said Mr. Allbritton had not committed himself to keeping the *Star*. And a reevaluation of its approval order without regard to the viability of the newspaper or its continued ownership by Mr. Allbritton, the commission said, disclosed no reason to reach a different result.

The first commissioner to speak in favor of reaffirming the original decision was James H. Quello, who had urged the commission to reconsider its action. After reading all of the material provided by the parties, he said he is satisfied there was "no misrepresentation or lack of candor proved . . . Mr. Allbritton's a shrewd businessman, but a legal one."

The two dissenters, as on Jan. 12, were Commissioners Joseph Fogarty and Tyrone Brown. They do not agree with the commission on the nonvoting preferred stock issue; they contend ownership of the stock places Mr. Allbritton in violation of the multiple ownership rules. And Commissioner Fogarty contends that there is a question as to whether Mr. Allbritton kept a promise to citizen groups to make an effort to negotiate with minority and women's groups interested in buying WJLA-TV.