

FCC released order **reconsidering 12-12-12 multiple ownership rule** last Friday (Feb. 1). Because of congressional moratorium on television aspects of commission's original decision, TV rules go into effect April 2. Radio aspects of rule go into effect 30 days after publication of rule in *Federal Register*. In statement concurring in part to decision, Commissioner Mimi Dawson said she continued to believe that numerical cap for TV "handicaps virtually all non-network group owners in their ability to compete with the established networks since those group owners will almost certainly reach the numerical cap long before they reach the percentage cap." She also questioned separate caps for minority ownership. "If the commission's concern is the concentration on a nationwide basis of too much ownership in any one entity's hands, I do not see how that concentration is in any way ameliorated by the race of that entity's owners," she said.

In exchange for **Major League Baseball's blessing on distribution of Atlanta Braves baseball** to 32.3 million cable homes via superstation WTBS-TV Atlanta (BROADCASTING, Jan. 28), **Ted Turner**, owner of Braves and superstation, has **agreed to pay Major League Baseball between \$27 million and \$30 million** over next five seasons. Four other superstation-distributed teams—Chicago Cubs, New York Mets, New York Yankees and Texas Rangers—are reportedly negotiating deal similar to Turner's with MLB. Of four, most pervasive is Cubs, which are broadcast by WGN-TV Chicago and reach 17.4 million cable homes through facilities of United Video. If Turner formula were applied to Cubs, team would pay around \$4 million year.

Following similar announcement by Arbitron last September, **A.C. Nielsen is increasing sample size** of its meters in three current overnight markets: **Boston, Philadelphia and Dallas**. Boston will be increased from 300 meters to 320 by spring, while Philadelphia will be upped from 400 to 450 by next fall. Dallas, which started with 300 meters, will increase to 400 meters by October with intermittent step of 350 meters by spring. New York, Los Angeles, Chicago and San Francisco will all remain unchanged at 500 meters, while Washington is unchanged at 400 meters and Detroit is unchanged at 300 meters. Houston, where 350 meters are scheduled to begin in May, will be increased to 400 meters by November. And Miami, which is scheduled to be launched with 400 meters by October,

Westmoreland vs. CBS. Among the witnesses testifying for CBS in the Westmoreland libel trial last week was former Representative Paul McCloskey (R-Calif., 1967-82). McCloskey, an anti-war Republican candidate for the presidency in 1972, recalled how co-defendant Sam Adams had come to him shortly after both had testified in the 1973 Pentagon Papers trial of Dr. Daniel Ellsberg, and asked him to safeguard some documents "in case something happened to him." McCloskey recalled reading some of the documents later on and said he was "shocked" at a cable endorsed by Westmoreland in 1967 which called for the removal of self-defense forces from the official order of battle after new intelligence indicated total numbers for that group in the 120,000-range, almost double the previous estimate. McCloskey, who toured Vietnam during the conflict, said he believed the self-defense forces "probably caused as many casualties as North Vietnam or [Viet Cong] regular forces." With that as the case, he said it was "almost criminal" to remove them from the official count of enemy strength. Also testifying on behalf of the network last week was Gregory Rushford, the chief investigator for the House Select Committee on Intelligence in 1975 when it probed allegations by Adams concerning suppressed enemy strength figures during the Vietnam war. Rushford compared intelligence officers in the Westmoreland command charged with estimating enemy strength to used-car salesmen "rolling back the mileage." The House committee eventually agreed with Adams that it appeared some enemy troops had been left out of the official order of battle in an effort to maintain some sort of arbitrary ceiling on enemy strength.

will see its base increased by 100 meters within following year. Nielsen spokesman said sample size increases were being made either because increases for certain markets were built into some contracts with stations, or because stations picked up options to have sample boosted. Arbitron also advised its metered market subscribers, although it did not release information publicly, that it is **increasing sample size** with four overnight markets: **Philadelphia** (from 325 to 350 by December 1985), **Detroit** (325 to 400 by December 1985), **Miami** (300 to 350 by December 1985) and **Houston** (300 to 400 by December 1986).

FCC Commissioner James Quello last week said rulemaking aimed at permitting noncommercial broadcasters to swap the **VHF's for commercial UHF's** without having to open stations competing interests has been "targeted" for action at open meeting **Feb. 14**. In interview last week, Quello said his own poll of noncommercial VHF station managers reveals that most would like option of being able to make trades, even though most also said they would only consider swaps if offers were "exceptionally attractive." Quello also said he thinks such swaps would have to pass "very strict public interest requirements" to win commission approval. As example, Quello said he thought commission should specify that money raised from swaps be used "for public broadcasting or educational broadcasting purposes." Such action might be necessary to deter university licensees from using money to erect buildings or for other nonbroadcasting purposes.

Columbia Pictures Television Domestic Distribution has cleared 23 top 25 markets for new first-run episodes of **What's Happening Now**, canceled ABC sitcom that ran from November 1976 to August 1979 and generated 65 episodes. According to Joseph Indes, senior vice president, syndication, CPTDD, 23 markets represent 54% coverage and "we're a firm go for next fall." CPTDD is producing 22 new episodes that will be available for first year on bar basis and thereafter on cash basis. Stations signed up for new episodes include WNEW-TV New York; KTLA-TV Los Angeles; WGN-TV Chicago; KBHK-TV San Francisco; WLVI-TV Boston; WTAJ-TV Philadelphia; WKBD-TV Detroit, and WDCA-TV Washington. All but two of 23 stations are independents, Indelli said, and most will run show in weekend access time periods.

Abell Communications, subsidiary of *Baltimore Sun* publisher, T. A. S. Abell Co., which recently sold most of its broadcast property to former president and CEO Stephen Seymour (see "For the Record," page 89), announced last Wednesday (Jan. 30) that it has **signed letter of intent to purchase WRLH-TV Richmond, Va., from T Corp. for \$14.4 million**. Abell's only other broadcast property is WMAR-TV Baltimore, which it retained in earlier sale. TVX Corp. based in Virginia Beach and is principally owned by Tim M. Donald, president, John Trinder and Gene Loving. It is owner of five TV's. WRLH is independent on channel 35 with 4,335 visual, 433.5 kw aural and antenna 1,252 feet above average terrain.

Communicom, one of largest and oldest cable franchises in Los Angeles, filed for financial protection under **Chapter 11 of bankruptcy code** last Thursday (Jan. 31), citing estimated debt of "just under \$166 million." Action follows termination last December of negotiations between Communicom and United Cable Television Co. regarding latter's proposed acquisition of Culver City, Calif.-based company. Communicom holds 320,000-home Hollywood-Wilshire franchise extending from downtown Los Angeles to Pacific Ocean, as well as smaller suburban systems in Los Angeles and Orange counties. Fifty-four-channel systems serve about 47,000 subscribers. More than half Hollywood-Wilshire homes are multiple-dwelling units and not considered "immediately serviceable" by cable operator. Communicom Chairman Glen W. (Bill) Nielsen said agreements had been reached with major program suppliers including HBO and Showtime-The Movie Channel, assuring uninterrupted service to subscribers. He emphasized that company will continue to install service for new customers. According to Communicom release, operator's lenders—First National Bank of Boston and Security Pacific National Bank—have indicated their intention to finance firm's operation during its Chapter 11 case.