

CBS's leadership position was in jeopardy, and certainly week one has given support to that. But the start of the second week has shown a rebound for them, so it's still a watch-and-wait situation."

However, Beckman says CBS's performance is no surprise, given its performance last May when it finished fourth among adults 18-49 during the sweeps. "When CBS finished behind Fox in demos, that was just a precursor of things to come," Beckman says. "People thought with the summer coming that things would change, but they haven't."

He says CBS's reliance on older-skewing shows is hurting the network now. "They've householded themselves to death. Anytime they had a problem they just put in an older-skewing show like *Burke's Law*, which will do a 20 share. But we and ABC have been saying for years that [scheduling younger-skewing shows] is just not to bring in younger viewers. Look at *Seinfeld*; it started out with a smaller, younger audience and now it's a broad-based hit. You've got to make the younger viewers excited about what's on your schedule." ■

## Round 2 of SF-NBC fight

*New company refutes network's request that FCC deny station purchase by Fox-backed entity*

By Christopher Stern

**F**ox-backed SF Broadcasting is planning a regulatory counterstrike against NBC, following the network's request that the FCC deny SF's purchase of WLUK-TV Green Bay, Wis.

SF is preparing a response that says NBC and its parent company, General Electric, have the same kind of minority interest in stations which they have questioned in the case of Fox-SF, sources say.

NBC filed a petition with the FCC on Sept. 23, alleging the Fox-Savoy Pictures Entertainment joint venture is an effort to evade the FCC's station ownership limits.

SF is expected to cite NBC's minority ownership in WKYC-TV Cleveland and GE's interest in WAPA-TV San Juan, P.R. "They are going to foul their own nest," says one person familiar with SF's plans.

Last week NBC refuted SF's charges. "I know we have very clean hands," said NBC Television Network President Neil Braun. "I would love to have their business practices put up against ours."

SF Broadcasting was launched last March with \$100 million—58% from Fox, 41% from Savoy and 1% from Savoy executives Victor Kaufman and Lewis Korman. The company was formed to buy stations and turn them into Fox affiliates.

"[W]ill the commission accept the proposition that Fox and Savoy—

which appear at a minimum to have provided more than 99% of the overall financing for the acquisition—will not have sufficient influence to make WLUK-TV count against either Fox's or Savoy's ownership limits?" asks NBC's petition.

Last March, when SF Broadcasting was launched, President Tom Herwitz already was defending against accusations the company was formed to evade ownership limits. At that time, Herwitz said that Fox's stake in SF was solely an investment and that it had no voting interest or control over day-to-day management of the company.

"If the SF structure is acceptable, it is hard to see what would not be," says Richard Cotton, NBC's executive vice president and general counsel.

In its petition, NBC alleges it is highly unlikely that Fox will not assert control over WLUK-TV through SF and that it would run counter to FCC rules to approve such a deal.

"If the FCC decides it's OK, it's another way of saying that with minority investors you can, with relatively little inconvenience, evade ownership rules," Cotton says.

In its complaint, NBC also calls on the FCC to look into the ownership of both Fox and Savoy, which it says have "significant alien ownership."

NBC also claims that SF waited until the last minute to disclose fundamental information about its ownership, management and capital structure. ■

## AFFILIATION SCORECARD

### ABC wins three, CBS rebuffed

Capitol Cities/ABC is investing \$25 million in Young Broadcasting for non-voting common stock and warrants to buy more. The warrants are contingent on closing Young's \$150 million purchase of three Nationwide Communications TVs—WRIC-TV Richmond, Va.; WATE-TV Knoxville, Tenn., and WBAY-TV Green Bay, Wis.—all ABC affiliates.



The three Nationwide stations plus Young's existing ABC affiliates (WKRN-TV Nashville and WTEN-TV Albany, N.Y.) signed a 10-year affiliation deal. With the addition of the Nationwide stations, Young will be ABC's sixth-largest affiliate group. Young also owns three CBS affiliates and one NBC affiliate.

In Milwaukee, CBS tried to buy Christian-formatted WVCY-TV and was shot down with a scathing letter. The station's VP/GM, Vic Eliason, said CBS's offer of \$10 million was "unreasonably low." The letter said WVCY-TV was built by Christians as "an alternative to the swill that passes as network television programming. WVCY-TV believes that network television cannot escape blame for contributing to the shredding of American moral fabric. To sell Channel 30 to CBS would be an act of consummate irresponsibility and a betrayal of trust for all our faithful supporters who believe in Christian family values." CBS had no comment.

WVCY-TV is the third low-rated UHF station for which CBS has made a run in two weeks. The network solved its problems in Detroit and Atlanta by purchasing WGPR-TV and WVEU(TV), respectively, for a total \$46 million.

The Milwaukee vacancy remains. The Fox-New World agreement bumped CBS from WITI-TV. WISN-TV (Hearst) and WTMJ-TV (the *Milwaukee Journal*) re-upped with ABC and NBC, respectively. That leaves three UHF's. —JAZ