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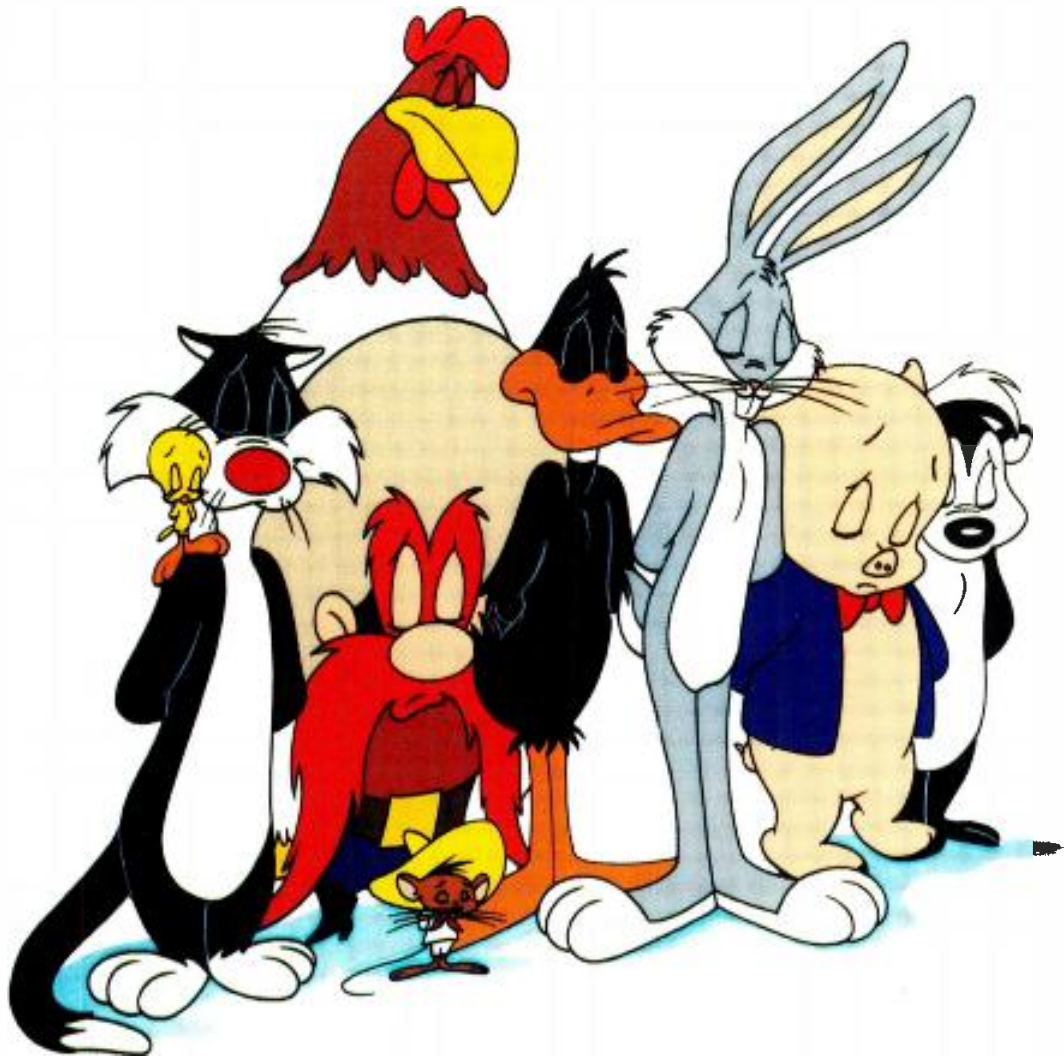
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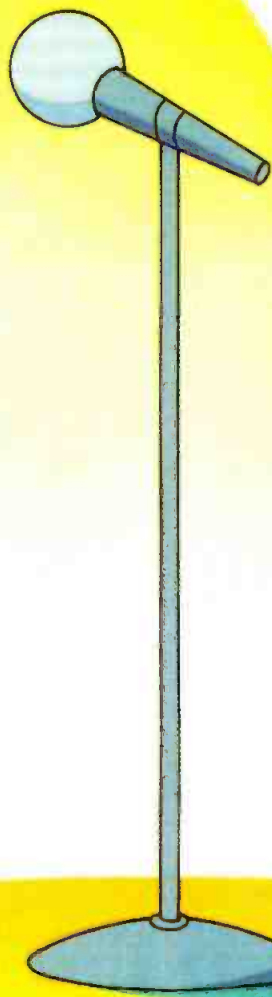
50th Year 1989

New day coming
for the FCC

THE BUSINESS OF
Brokering/89

SPEECHLESS.





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1908 - 1989

Running the gauntlet...

Congressional leaders look for new era at FCC—one in which Congress sets



agenda and commission carries it out. Pictured at Senate confirmation hearing (l-r): Andrew Barrett, Alfred Sikes and Sherrie Marshall. **PAGE 27.**

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WASHINGTON

Privatization

FCC Commissioner Patricia Diaz Dennis, whose term expired June 30, apparently has decided that her future is in private sector. Dennis's chances of being reappointed to commission by new Bush administration seemed slight, at best. But her star reportedly had risen at State Department, where she had expressed interest in job as U.S.



coordinator and director of Bureau of International Communications and Information Policy. Word last week, however, was that she had withdrawn name from consideration. She is said to have told friends that she had discussed her future with family and had concluded that six years of government service was enough—she had been member of National Labor Relations Board from 1983 to 1986—and that she would go back to private practice of law. Just where was not known, but she has talked to several prospective employers. Announcement soon.

Broker beef

At National Association of Broadcasters get-acquainted meeting with new officers of National Association of Media Brokers on July 25, broker concern surfaced over NAB's hospitality suite surcharge for radio convention at New Orleans Hilton (Sept. 13-16). At meeting were Eddie Fritts, NAB president, John Abel, NAB executive vice president, James Gammon, president of NAMB, and James Blackburn, NAMB treasurer. Some brokers are not happy with NAB's surcharge fee, which ranges from \$650 to \$1,200 depending on size of suite. Fritts and Gammon described meeting as

pleasant. However, NAMB Vice President Dick Kozacko, who did not attend meeting, said surcharge was excessive and that smaller firms and smaller radio stations would no longer be able to afford to go to conventions. Kozacko questioned whether NAB has interest of broadcasters in mind or whether it is profit center. Richard Foreman, Stamford, Conn.-based broker, said that he will not pay surcharge and instead will rent suite at another hotel. Foreman says he is not only broker taking this route. Fritts says that 15 brokerage firms have made reservations.

Versatility

National Cable Television Association officials are still out of joint over Jerry Lederer's dual role at United States Conference of Mayors meeting in Charleston, S.C., in June. Lederer, who left USCM to join United States Telephone Association in May, acknowledges that he worked for USCM, staffing committee meeting on clean air and transportation issues, as well as for USTA, lobbying mayors on behalf of resolution calling for telco entry into cable, but unlike cable officials sees nothing wrong with what he did. Staffing work was undertaken on pro bono basis at request of USCM executive director, he says, and was limited to clean air and transportation. He

dismisses cable's concerns as "sour grapes" over USCM's eventual passage of telco-entry resolution.

NEW YORK

New shingle

Strength of domestic media and expansion abroad has encouraged formation of new merchant banking firm, specializing in media, that could begin operations as early as September. McDonald Grippo & Riely is arranging office space in New York, Boston and several European cities and intends to provide advisory services and make media investments. Founders are three securities analysts, Rich McDonald of First Boston Corp., Darice Grippo of Putnam Management and Mark Riely, formerly with Eberstadt Fleming.

Still talking

Although little is being heard these days from Television Affiliates Group (TAG), ad hoc group continues to meet and examine whether marketing needs of affiliate stations can be met through existing organizations or whether separate entity needs to be formed. Most recent New York meeting of TAG, initiated by Alan Henry, president of Anchor Media, was said to include Jim Lynagh, president of Multimedia Broadcasting, Tom

Goodgame, president, Group W Television, and Michael Mallardi, president, Capital Cities/ABC Broadcast Group.

Level playing field

Latest recognition of cable's key role in TV sports comes with new World League of American Football, whose organizers say TV package is likely to involve mix of U.S. broadcast and cable carriage. Single package is made less likely because league wants TV exposure for all six weekly (Saturday, Sunday and Monday) games between U.S. and international teams. Cable players are ESPN, SportsChannel, Turner Broadcasting and USA Network.

Universal language

European music videos, little seen before now on U.S. TV, have found daily platform in nation's largest market. Next week, New York's noncommercial WNYE-TV, regular user of foreign language programming, will begin half-hour daily offering of European videos supplied by Radio Monte Carlo, with stereo simulcasts on co-owned WNYE(FM). Six daily broadcasts, 75% French-language and 25% European, are aimed at classroom use, with music serving as cultural and linguistic bridge, according to French Embassy official in New York who helped negotiate deal.

Envelope please

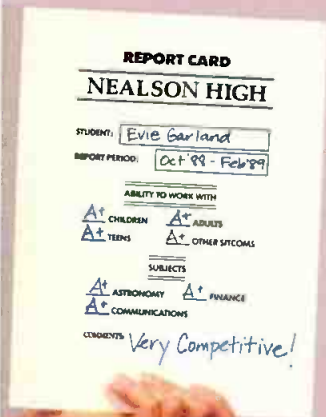
Ampex Corp. and Sony Corp. of America will each receive Emmy awards for their parts in development of and introduction of D-2, composite digital videotape format. Award presentation will be made on Sept. 26 in New York. After D-2 format's introduction during National Association of Broadcasters 1988 convention, sales by Ampex and Sony to post-production houses were brisk because composite standard provided same multigenerational effects capability as D-1 (component color) system at about fifth of D-1's price.

Revolving door

Alfred C. Sikes has settled on at least one job he will fill as FCC chairman, and perhaps as many as three, all involving aides who served him at NTIA. Charles C. Schott, former head of commission's Office of Plans and Policy who later was Sikes's deputy (deputy assistant secretary of Commerce for Communications and Information Policy) is understood in line to be chief of staff in chairman's office. Sikes also is known to have talked about FCC posts with top adviser Kenneth Robinson and Richard Firestone, NTIA's general counsel. Sources at FCC say Firestone might wind up as head of Mass Media or Common Carrier Bureau.

□ If those NTIA types move to FCC, it might be regarded as trade. Janice Obuchowski, former FCC adviser, later NYNEX, who now heads NTIA, has recruited two officials of FCC's Common Carrier Bureau to serve at NTIA—Thomas Sugrue, now deputy assistant head of NTIA, and William Maher, who will head Office of Policy Analysis and Development.

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MCA TV





rites of passage. (L to r) Secretary of Commerce Robert A. Mosbacher hands going-away present—a pen—to Alfred Sikes, who is moving over from Commerce's National Telecommunications and Information Administration to chairmanship of FCC, at reception last Thursday attended by members of Washington's telecommunications community. Janice Obuchowski, who was sworn in Friday as Sikes's successor at Commerce, hands him blow-up of recommendation from NTIA's "Telecom 2000," report

prepared during Sikes's stewardship. It says executive branch should establish policy and FCC implement it. "Alternatively," it adds, in language with which Sikes would be less comfortable at FCC, "the executive could have the ability to disapprove FCC action." Outgoing FCC Chairman Dennis Patrick wishes Sikes well, as Irving Goldstein, chairman and chief executive officer of Communications Satellite Corp., looks on. Martha (Marty) Sikes joins husband in Mr. and Mrs. FCC Chairman pose.

NEW ORLEANS

Inside track

Word has it that Ray Livesay, chairman of Mattoon, Ill.-based J.R. Livesay Radio Group, former board member of National Radio Broadcasters Association and founding member of Daytime Broadcasters Association, will receive National Association of Broadcasters National Radio Award. Award is for Livesay's "long-term involvement and continuing contribution to radio industry," and will be presented at Radio Management Luncheon during Radio '89 convention in New Orleans.

ROCKVILLE

AM bandwagon

Although AM's stock has not always been at premium of late, there are still those willing to bank on its future. Word has it that Rockville, Md.-based advertising agency, The Gould Group, is looking to build radio station group, and is in market particularly for AM's—12 of them, in medium-sized markets. Agency owner Warren Gould has handled numerous radio advertising accounts and says he sees "lots of potential" in band.

CHICAGO

Food for thought

Organizers of executive mini-conference at Cable Television Administration and Marketing Society convention (Aug. 20-23, in

Chicago) hope to stimulate discussion on CEO's role in customer service and product promotion, two of key underlying themes of this year's show. Executives will hear further details on CTAM-sponsored family decision-making study, as well as perspective on trends from Yankelovich research firm. Cabletelevision Advertising Bureau President Robert Alter will address impact cable is having on broadcasting industry.

HOLLYWOOD

Aggrandizing

Indications late last week pointed toward Hughes Communications winning third premium cable pay channel for its next-generation Galaxy satellites. In rival GE Americom's

announcement that it had finalized major next-generation satellite deal with Viacom group of programmers ("In Brief"), GE put that purchase at 16 transponders, four fewer than total earlier announced. Disney, repeatedly associated with group last fall, was also missing.

One source said total still stands at 20 transponders, and not-yet-finalized deals with two other programmers—Viewers' Choice and Disney—are simply "on different timetable." But absence of Disney from completed group deal may explain missing four transponders. Although Hughes, which last winter won future carriage of HBO and Cinemax, would not confirm that agreement had been reached, it did not deny that it expected to soon announce deal with Disney.

All-timers?

Either CBS's *Lonesome Dove*, with 18 Emmy Award nominations, or ABC's *War and Remembrance*, with 15 (see "In Brief"), could become all-time mini-series award winner if 10 or more of those nominations are converted to statues at September ceremonies. ABC's *Roots* is record-holder with nine.

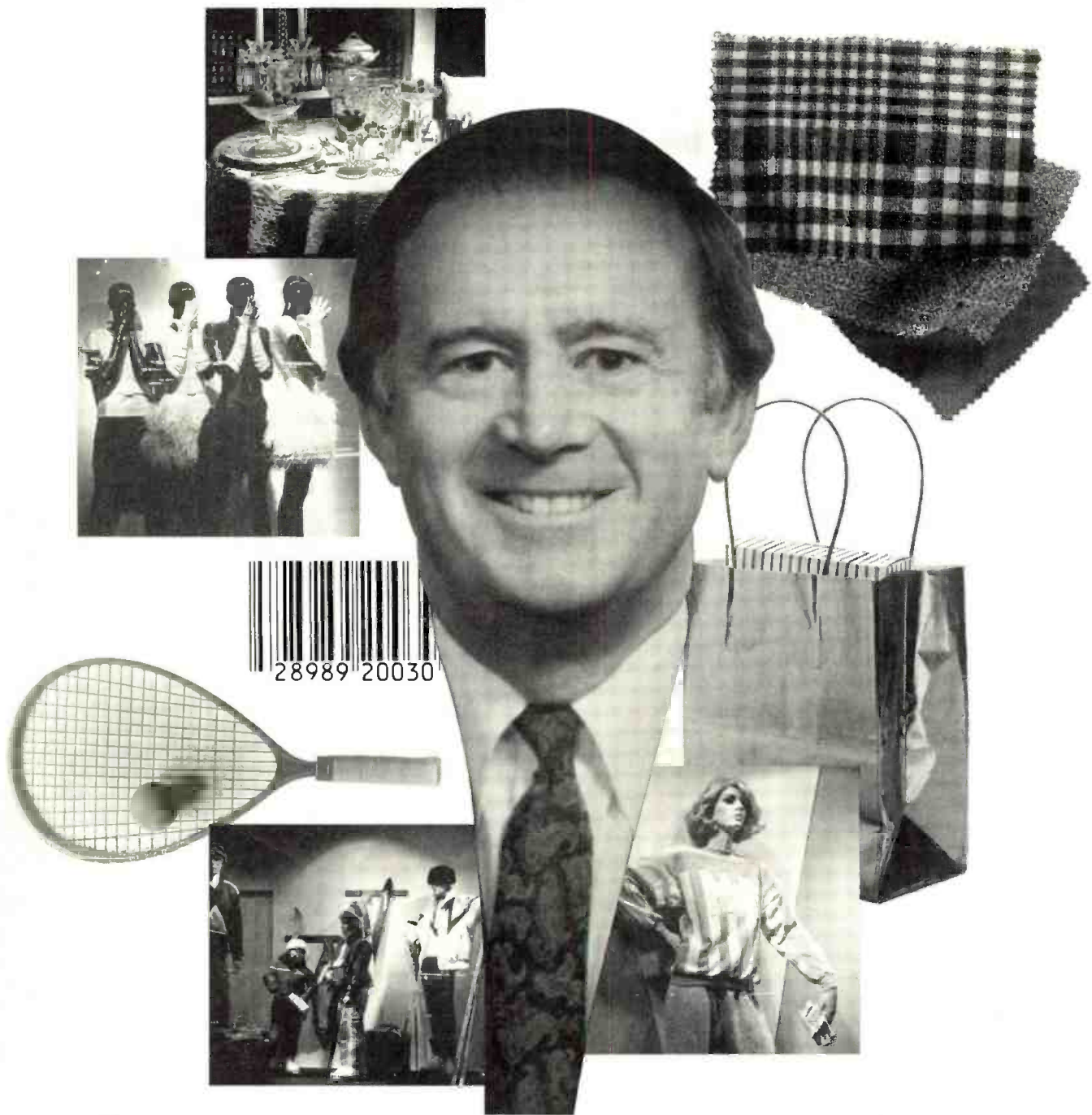
Comeback

Allen Funt said he never realized charges he brought against Fox Broadcasting Co.'s *Totally Hidden Video* and subsequent dropping of pending lawsuit (see page 104) would generate so much interest in his *Candid Camera* series. Now *Candid* creator Funt says "one of the most successful syndicators in the business" is talking about reviving show as weekly hour-long program. He would not divulge syndicator's name, but one industry source said King World may be one of several distributors interested in *Candid Camera*. King World officials declined to comment.

Funt said any new version of show would be "a contemporary *Candid Camera*-type of program for the 1990's," and that his son Peter would in probability produce revival, with elder Funt to assume "assistant executive producer" duties. He also stated that growing interest in the program has come from overseas, including Australia's Channel 10, which just started to air the first of a dozen half-hour specials he'd done in past for CBS.

Last gasps

In what presumably were final actions of Patrick FCC, commission late Friday granted Great American permanent waiver of one-to-market rule, permitting it to retain radio-TV combinations in Cincinnati and Kansas City, Mo. Action was taken on 2-1 vote, with Commissioner Patricia Diaz Dennis dissenting. In another, commission voted to vacate \$2,000 fine against KZKC(TV) Kansas City, Mo., for running allegedly indecent movie in prime time. Commission said action was required by decision of U.S. Court of Appeals in Washington overturning portion of commission rule banning indecency. Court said ban on evening broadcasts could not be imposed absent inquiry on children's viewing and listening habits. Commission also wrote letter to Justice Department, asking it to conduct criminal investigation of alleged broadcast application mill of Dr. Bernard Boozer. He was said to have been responsible for filing more than 100 applications for stations in 73 communities. And it decided to initiate abuse of process investigation against management of Sunrise Management Services, of Columbus, Ga., whose activities came under intense scrutiny after lawyer it used, Thomas Root, crashed in Atlantic with bullet wound. Sunrise was responsible for some 170 FM applications.



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BROADCAST PRODUCTS

Where Things Stand

Solid box denotes items that have changed since last issue.

AM-FM Allocations

At July 13 open meeting, FCC doubled maximum allowable power of Class A FM stations, but limited number of stations that will be able to take advantage of new maximum power to boost coverage. Some 500 stations will be able to increase power as of Dec. 1, but it is not clear how 1,500 other Class A's can. Some 800 stations, including most of those in Northeast, will have to demonstrate they can meet new mileage separations by relocating antenna or using directional antenna before they will get go-ahead. And many stations along Canadian and Mexican borders may be left out because change in power is not authorized under current international treaties.

At March 30 meeting, FCC created opportunity for as many as 200 new FM stations by authorizing new medium-power class of station. According to FCC, new Class C3 stations with up to 25 kw of power and antennas up to 100 meters above average terrain could go into communities where more powerful Class C2 stations would cause interference and less powerful Class A stations would be "economically infeasible."

In hopes of curtailing adjacent-channel interference and improving technical quality of AM radio, FCC voted April 12 to require AM broadcasters to adhere to industry-developed NRSC-2 standard limiting emissions, starting in 1994.

FCC voted Dec. 12, 1988, to give FM broadcasters greater flexibility in choosing antenna sites and plotting coverage by permitting limited "short spacing" of FM stations. National Association of Broadcasters, which believes move will lead to AM-ization of FM band, petitioned FCC to reconsider.

Children's Television

Bill that would limit amount of advertising in children's television is on legislative fast track. It was subject of House Telecommunications Subcommittee hearing week of April 3 and passed parent Energy and Commerce Committee following week. In Senate, companion measure (S.707) was focus of Communications Subcommittee hearing July 13, along with bill offered by Senator Tim Wirth (D-Colo.). Wirth measure was endorsed by Communications Subcommittee Chairman Daniel Inouye (D-Hawaii), who says he hopes to move children's TV bill out of committee by Aug. 1.

Wirth's legislation would require broadcasters to provide programming "specifically designed" for children, as condition for license renewal. Measure is more restrictive than S. 707 and will also be focus of hearing.

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Bill that would establish \$10 million endowment for children's programming was adopted May 16 by Senate Commerce Committee and is expected to pass Senate sometime this year. It is brainchild of Chairman Ernest Hollings (D-S.C.) and Inouye.

Proponents of children's TV legislation suffered blow in last Congress when President Reagan pocket-vetoed bill on Nov. 5, 1988.

Television networks and National Association of Broadcasters let White House know they backed legislation last year, but President found measure "counterproductive" and at odds with broadcasters' First Amendment rights. Measure would have put commercial limits on children's programs of 10.5 minutes per hour on weekends and 12 minutes on weekdays. It also required broadcasters to serve "special needs" of children, which FCC would have to take into account at renewal.

Alternative approach to regulating children's TV has been offered by Representatives Tom Tauke (R-Iowa) and Al Swift (D-Wash.), who introduced bill that would remove antitrust barriers, allowing broadcasters voluntarily to agree on commercial limits.

Comparative Licensing

To discourage groups from using renewal process to "extort" money from broadcasters, FCC at March 30 meeting restricted payments broadcasters may make to challengers in settlements of comparative renewal cases and for withdrawals of petitions to deny renewals.

FCC banned all settlement payments in return for withdrawing competing applications prior to initial decision in comparative hearing by administrative law judge and, after decision, limited such payments to "legitimate and prudent expenses." Likewise, it limited payments for withdrawal of petitions to deny to expenses.

FCC also required challengers in compar-

ative renewal hearings to make more detailed financial and ownership disclosures and eliminated presumption that successful challenger would be able to acquire incumbent's transmitter site.

Apparently because of concerns expressed by Congress, FCC deferred action on revamping renewal expectancy criteria. Incumbents that win renewal expectancies are virtually assured renewal.

In separate proceeding, FCC proposed at Jan. 30 meeting replacing comparative hearings with lottery to choose among competing applicants for new radio and full-power television stations. If it adopts lottery, it will be over objections of communications attorneys, National Association of Broadcasters and key members of Congress.

Compulsory License

FCC has voted to recommend to Congress that it abolish 13-year-old compulsory copyright license for local as well as distant signals, saying move would benefit consumers, broadcasters and cable programming services.

What Congress will do is unknown. Politics are complicated by fact that some broadcasters want to do away with license for local signals and require cable systems to pay broadcasters. National Association of Broadcasters has formed committee to explore possibility of creating new copyright scheme that includes retransmission fee and carriage requirements for local signals (BROADCASTING, June 19 and 26).

On Jan. 3, House Telecommunications Subcommittee member John Bryant (D-Tex.) reintroduced bill he offered in last Congress (BROADCASTING, April 4, 1988) to condition license on carriage. Senate Copyright Subcommittee Chairman Dennis DeConcini (D-Ariz.) revived measure from last Congress virtually identical to Bryant's bill.

Crossownership

Telco-cable—FCC has tentative plans to hold en banc hearing on telco-cable issue. Agency initiated debate on whether telcos should be allowed to provide cable services in July 1988 when it tentatively voted 2-1 to recommend Congress lift telco-cable cross-ownership ban.

Senator Al Gore (D-Tenn.) has introduced bill lifting crossownership prohibition; companion measure was offered in House by Rick Boucher (D-Va.).

FCC may not be able to affirm decision. Commissioner James Quello issued statement Jan. 13, saying he was reconsidering vote favoring repeal. And Commissioner Patricia Diaz Dennis, who voted against "tentative conclusion," continues to feel ban against telcos controlling programming

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Scholastic Productions,
CTV Television Network Ltd.
with the participation of
Telefilm Canada.

**GUY
OF THE
WORLD**

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Bob Booker Productions, Inc.

should be retained, although she believes telcos should be allowed to offer video transmission services as common carriers.

FCC move follows National Telecommunications and Information Administration report on cable TV regulation recommending telephone companies be allowed to serve as transporters of others' programming, although not as programmers themselves, in telcos' own service areas (BROADCASTING, June 20, 1988).

At present, barriers to such BOC cross-ownership include not only FCC regulations and 1984 Cable Act but also modified final judgment issued by U.S. Judge Harold Greene in his supervision of breakup of AT&T. NTIA has petitioned FCC to preempt Greene's regulation of BOC's, arguing that judge is hampering their entry into information services, including cable.

Duopoly, one-to-a-market—FCC voted Oct. 27, 1988, to relax duopoly rules to allow closer spacing of commonly owned AM and FM stations, arguing that impact on diversity would be negligible and that it let some broadcasters reap certain economies of scale.

Using same justification, FCC relaxed policy for waivers to one-to-a-market rules Dec. 12, 1988, saying it would look favorably on waiver requests involving top 25 markets with at least 30 broadcast "voices."

Broadcast-newspaper—Appropriations bill (H.R. 4782), which was signed into law, includes provision that prevents FCC from

reexamining its broadcast-newspaper crossownership rules.

Direct Broadcast Satellites

FCC commissioners at last minute dropped from July 13 open meeting agenda consideration of latest round of direct-to-home broadcast satellites (DBS) applications. Among related issues on which FCC was expected to rule was proposal to accommodate most applicants by limiting each to half-nation 16-channel services from two orbital slots. Due to spectrum shortage and concentration of requests in only four of eight positions in separate orbital arc, FCC has said such paired assignments may be necessary to achieve efficient use of spectrum. Comments on proposal last January were mixed, with most accepting channel limitation but some requesting that FCC allow full-nation service from single position, at least initially, saying two-satellite cost could make startup too expensive. Petition to deny on antitrust grounds application of Tele-Communications Inc.-owned Tempo Enterprises is also pending.

Calling high-power DBS "dead horse" in U.S., former Hughes Communications president and White House telecommunications expert Clay (Tom) Whitehead said in June 1989 that his company, Orbital Broadcasting, withdrew its application to launch DBS

because neither Hollywood nor broadcast networks appear willing to "bypass the increasing MSO bottleneck." Other applicants, including Dominion Satellite Video, disagree, saying narrowcast approach is viable.

Permittees and applicants to launch "true" high-power (200 watt) DBS believe Ku-band birds 10 times more powerful than average C-band birds would mean direct-to-home television reception via downlinks one-tenth size of average C-band dishes. Smaller, more affordable dishes (one meter or smaller in diameter) would then theoretically lead to home satellite market several times size of current two million C-band consumer base. Large and small companies have failed since early 1980's, however, to get high-power Ku-band DBS off ground.

Among applicants proposing to launch services as early as 1992 are Tempo, Hughes Communications, operator of two C-band cable programming satellites, and group broadcaster Hubbard Broadcasting.

High-Definition TV

Richard Wiley, chairman of FCC's advisory committee on advanced television service (ATS), has announced that he will call meeting of transmission system proponents this fall to set testing schedule. Tests are expected to begin in April 1990 at Advanced Television Test Center (ATTC) facility. Current estimates are that about 12 systems from eight proponents will be tested over course of one year, with final system recommendation to be made to FCC in fall 1991.

Five companies have been chosen to receive portion of \$30 million in grants Defense Advanced Research Projects Agency (DARPA) has set aside for research and development of new methods to display and process HDTV pictures. Pentagon hopes program will lead to mass production of low-cost, high-resolution screens for consumer and defense applications. DARPA is expected to soon announce more companies to receive grants. There is also proposal before Congress to allocate additional \$50 million to DARPA for HDTV project.

On Sept. 1, 1988, FCC tentatively decided to eliminate from standardization consideration transmission systems with continuous 9 mhz channel, incompatible with NTSC sets. Move eliminates possibility of terrestrial standardization of NHK's MUSE-E system. Commission also decided to restrict any possible additional spectrum for advanced television broadcasting to currently allotted VHF and UHF television spectrum. Use of band above 1 ghz for augmentation channels was ruled out.

Home Satellite

Giving shot in arm to struggling home satellite industry, 100th Congress passed copy-right legislation authorizing transmission of

BY THE NUMBERS

Summary of broadcasting and cable

BROADCASTING			
SERVICE	ON AIR	CP's ¹	TOTAL*
Commercial AM	4,957	261	5,218
Commercial FM	4,210	753	4,963
Educational FM	1,398	252	1,650
■ Total Radio	10,565	1,266	11,831
FM translators	1,769	318	2,087
Commercial VHF TV	547	23	570
Commercial UHF TV	527	213	740
Educational VHF TV	122	5	127
Educational UHF TV	218	26	244
■ Total TV	1,414	2670	1,681
VHF LPTV	300	205	505
UHF LPTV	324	1,508	1,832
■ Total LPTV	624	1,713	2,337
VHF translators	2,722	121	2,843
UHF translators	2,133	443	2,576

CABLE†	
Total subscribers	50,897,000
Homes passed	73,900,000
Total systems	8,000
Household penetration‡	56.4%
Pay cable penetration	29.4%

* Includes off-air licenses. † Penetration percentages are of TV household universe of 90.4 million. ‡ Construction permit. † Instructional TV fixed service. ‡ Studio-transmitter link.

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broadcast television signals via satellite to backyard dish owners. (President Reagan signed bill Nov. 16, 1988.)

Under terms of Satellite Home Viewers Act of 1988, independent television signals can be beamed to any of more than two million dish owners, but network affiliate signals can only be delivered to those in "white areas"—those not able to receive network programming off air and not choosing to receive it via cable.

As mandated by Act, FCC has launched inquiries into syndicated exclusivity rules for broadcast signals delivered via satellite and on whether satellite carriers in marketing of signals discriminate against noncable-affiliated distributors.

Indecency

■ Religious right and anti-indecency groups unhappy at what they see as FCC's failure to adequately address "shock radio" and "trash television" appeared at Senate Commerce Committee hearing July 31 to protest administration's choice for FCC chairman, Alfred Sikes, and Sherrie Marshall and Andrew Barrett as commissioners. Commerce Committee, however, approved nominees 15 to 2 with vote on Senate floor expected late last week.

House last week approved TV violence bill 399 to 18. Senate version targets violent, sexually explicit and drug-related programming. House Judiciary Committee Chairman Jack Brooks (D-Tex.) and bill's sponsors are committed to keeping measure free from other issues. It is unknown if Senate will insist that House accept sex- and drug-related provisions. Both measures would waive antitrust restrictions to permit broadcasters, cablecasters and programmers to get together to self-regulate.

Implementing stringent indecency law signed by President Reagan last fall (BROADCASTING, Oct. 3, 1988), FCC unanimously adopted new policy that prohibits "indecent" broadcasts 24 hours per day. But policy and underlying law are being challenged in courts on First Amendment grounds by coalition of broadcasting and public-interest groups, including such diverse groups as National Association of Broadcasters and Action for Children's Television. On Jan. 23, three-judge panel of U.S. Court of Appeals in Washington granted request by coalition for stay of Jan. 27 start of 24-hour ban (BROADCASTING, Jan. 30).

U.S. Court of Appeals in Washington had affirmed FCC's earlier indecency enforcement policy based on premise that FCC could not ban indecency but could channel it to times when few children are in audience. But court remanded case to commission to justify midnight-to-6 a.m. "safe harbor." In light of congressional action, FCC will not go ahead with its remand rulemaking. Meanwhile, opponents of 24-hour ban were encouraged by Supreme Court decision overturning, on First Amendment grounds, statute imposing same kind of round-clock ban on so-called "dial-a-porn" telephone messages.

International

New European transfrontier broadcast law has been sidetracked by opposition from six of 12 members of European Community. EC's Council of Ministers must resolve disputes by early fall or new law will die. Regulatory plan, essentially completed earlier this spring, would harmonize diverging national regulations and establish framework under which emerging transborder satellite TV services could service European market's 320 million viewers.

In European satellite news, Rupert Murdoch's UK direct broadcast service, Sky TV, settled \$1.5 billion lawsuit against Walt Disney Co. in dispute over plans for British Disney Channel and access to Disney's Touchstone and Hollywood Pictures films. Rival British Satellite Broadcasting, which postponed launch of service by six months until next spring due to delays in availability of home receiver gear, has been granted additional two channels by UK government, bringing program package to five. And French pay TV service Canal Plus has emerged winner in government allocation of channels on France's direct broadcast satellite TDF-1, with interests in three of five transponders.

Capital Cities/ABC, which owns 25% through ESPN of London-based satellite sports service Screensport and has taken minority share in Munich TV company TeleMunchen, producer-distributor and majority owner of German satellite service Tele5, is now negotiating three similar deals on continent, including one in Spain.

Phone company US West has won joint bid for Hong Kong cable system franchise with potential for 1.5 million TV and telephone service customers. Several North American companies—Paramount, Viacom, AT&T and Rogers Cablevision of Canada—were also advising two of four bidding groups.

Land Mobile

FCC has delayed decision on petition to reallocate UHF channels in eight markets to land mobile radio until determination has been made that UHF channels in question will not be needed for broadcasting high-definition systems.

During April 17 meeting of FCC's advisory committee on advanced television service, FCC staff said that nothing has changed concerning reallocation of spectrum since proceeding was suspended in 1987 and that commission did not foresee change in near future.

Must Carry

Independent television and cable industry are at impasse on must carry. On July 10, National Association of Broadcasters TV board signed off on must-carry compromise reached between President Eddie Fritts and National Cable Television Association on

previous Friday. But deal fell through when Association of Independent Television Stations rejected proposal on ground that it did not address their concerns about channel repositioning. Independents felt it encouraged cable operators to move independent stations off low-numbered channel assignments to location on higher end of band. Fritts and NCTA President James P. Mooney have been trying to hammer out deal on must-carry language that they would then take to Congress. Basis of negotiations is interindustry agreement on must carry that cable says it can live with. Broadcasters, however, want to go beyond it, and demanded that any legislation contain language protecting broadcaster's signal from being shifted off-channel. NCTA agreed to put broadcaster signals on the over-air assignment or on channel that is mutually agreeable. But INTV argued in letter to Capitol Hill that on-channel deal offered by NCTA "would not stop the shifting but would precipitate a massive new wave of channel shifts of UHF independents and public stations currently carried on first-tier channels."

Network Rules

FCC's financial interest and syndication rules are becoming hot item in Washington. Networks and Hollywood have been meeting but seem far from reaching compromise on rules. Networks say they want modification, not repeal, while Motion Picture Association of America formed coalition whose aim is to preserve rules (BROADCASTING, April 24). No action on Hill or FCC is anticipated.

FCC's network rules are being reviewed, and several may be modified or eliminated on ground that networks now face stiff competition. FCC rid its books of two-year limit on term of affiliation agreements between networks and stations at March 16 meeting. It has opened proceeding looking at rules prohibiting networks from representing affiliates in spot advertising market and from owning cable systems.

Proposal to eliminate network-cable crossownership ban has proved highly controversial. In comments, cable industry joined networks in calling for repeal of ban, but network affiliates and advertisers argued for its preservation.

Network rules were put on books to limit power of major networks, namely ABC, CBS and NBC. And FCC has taken actions indicating it is disinclined to apply them to other, smaller networks that have emerged. It ruled that financial interest and syndication rules and prime time access rules do not apply to Spanish-language Univision network, and it granted waivers of PTAR and dual network rule to Home Shopping Network.

Public Broadcasting

CPB began series of "summit meetings" with PBS and NAPTS July 20 intended to unify plan to streamline national public TV

programming processes. CPB so far has taken issue with elements of NAPTS plan that would create chief programming executive at PBS with centralized authority over approximately 25% of national programming funds, including most of current CPB Program Fund. CPB must report to Congress next January on national program funding efficiency. Presidents of three organizations will meet again today (July 24).

Garrison Keillor will return to American Public Radio Sept. 30 with new Saturday evening series, he announced at Annual Public Radio Conference in San Francisco, May 17-21. National Public Radio launched July 1 hourly newscasts. NPR board continues on path to adopt by end of year strategic plan for 1990's.

CPB asked House April 18 and Senate March 17 to provide full \$265 million authorized for fiscal 1992, plus remainder of \$200 million authorized for replacement of satellite due to expire in 1991. Administration has recommended capping CPB at 1991 figure of \$242 million and would also stop funding satellite replacement project at amount already appropriated for 1990, \$56.8 million. CPB board has adopted \$254,339,038 FY 1990 budget.

CPB Chairman Kenneth Towery also asked Congress March 21 to remove CPB from Inspector General Act, citing concerns that First Amendment rights of public broadcasters could be threatened by inspector general's authority to deem programming or

other budget items unnecessary. In meantime, however, CPB has appointed acting IG.

Syndex

FCC put off effective date of its new syndex rules from Aug. 18, 1988, to Jan. 1, 1990, but it otherwise kept rules much as they were when adopted last year. Broadcasters desiring syndex protection had to notify cable system by June 19.

Rules empower broadcasters to enforce exclusivity of programs against cable systems that import duplicative programming on distant broadcast signals.

Real delay in implementation of rules may come as result of court appeals likely to be made by cable operators and satellite carriers who distribute distant signals threatened by syndex. If court stays rules pending resolution of appeals, implementation of rules may be delayed two or three years. If court finds fault with them, they may never go into effect.

United Video, carrier of superstations WGN-TV Chicago, WPIX(TV) New York and KTVT-TV Dallas; Texas Cable Television Association, United Cable Television and Century Communications have challenged rules in U.S. Court of Appeals. They have also asked FCC to stay rules pending court review. Representative Bill Richardson (D-N.M.) has

introduced legislation that would delay implementation date of FCC's syndex rule for one year (BROADCASTING, July 3).

TV Marti

Backers of Radio Marti—which broadcasts news, information and entertainment to Cuba—are lobbying Congress to establish affiliated television service. Congress last year appropriated \$7.5 million in startup funds for proposed service, and in April, House approved legislation authorizing \$16 million for operating funds in each of next two years. However, funds could not be appropriated unless President certifies to Congress that test of project—and one is planned for later this year—has demonstrated its feasibility.

Administration plans for TV Marti may have suffered serious setback with Cuba's decision to begin operating channel 13 in Havana. Channel 13 was frequency on which U.S. intends to operate TV Marti. It was said to be only one on which operation would not interfere with service by Cuban or American stations.

Meanwhile, Cuban officials are threatening unspecified reprisals if U.S. proceeds with TV Marti project, sued warning that Cuba will take all "appropriate measures" against TV Marti.

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Aug. 6-8—*Cable Television Laboratories* first technical planning seminar, "Fiber Optics: Strategy, Tactics, Implementation." Clarion hotel, Boulder, Colo. Information: (303) 939-8500.

Aug. 8—"Customer Service in the 90's," sponsored by *Southern California Cable Association*. Radisson Plaza hotel, Manhattan Beach, Calif. Information: Elena Song, HBO. (213) 201-9459.

Aug. 9—*National Academy of Television Arts and Sciences, New York chapter*, drop-in luncheon. Speaker: Marc Weiss, executive producer, "P.O.V.," public TV series of independently produced nonfiction films. Copacabana, New York. Information: (212) 768-7050.

Aug. 10—"The Advantages of a Career in Broadcast Sales," seminar sponsored by *National Association of Broadcasters' Employment Clearinghouse*. NAB headquarters, Washington. Information: (202) 429-5498.

Aug. 10-13—*Association for Journalism and Mass Communication* convention. Washington. Information: Ken Keller, (618) 536-7555.

Aug. 10-13—*North Carolina Cable Television Association* annual meeting. Pinehurst hotel and country club, Pinehurst, N.C.

Aug. 11—Broadcast opportunity conference, co-sponsored by *Minority Business Development Center, Broadcast Capital Fund and Interracial Council for Business Opportunity*, and underwritten by *U.S. Department of Commerce's Minority Business Development Agency*. Washington Hilton, Washington. Information: Anna Johnson, (212) 779-4360.

Aug. 12—*Texas AP Broadcasters* seminar, "Covering East Texas." Holiday Inn Southeast Cross-

ing, Tyler, Tex. Information: (214) 991-2100.

Also in August

Aug. 15—Deadline for entries in Women at Work Broadcast Awards, recognizing "outstanding radio and television programming about working women's issues," sponsored by *National Commission on Working Women*. Information: (202) 737-5764.

Aug. 15—Deadline for entries in Media Awards for "portrayal of critical care nursing to public or to health care professionals in an accurate, realistic and meaningful way," sponsored by *American Association of Critical Care Nurses*. Information: (714) 644-9310.

Aug. 16—*Society of Broadcast Engineers, chapter 15*, lecture on CCD technology and the television camera and new/old approach to measuring FM modulation. WQXR auditorium, 229 West 43rd Street, New York. Information: David Bialik, (212) 752-3322.

Aug. 16—*National Academy of Television Arts and Sciences, New York chapter*, drop-in luncheon. Chris Whittle, chairman, Whittle Communications. Topic: Channel One. 12-minute daily newscast with commercials, to be shown in secondary schools. Copacabana, New York. Information: (212) 768-7050.

Aug. 16-20—*National Association of Black Journalists* annual convention. New York Hilton and Towers, New York. Information: (703) 648-1270.

Aug. 17-18—*Arkansas Broadcasters Association* annual convention. Arlington hotel, Hot Springs, Ark.

Aug. 17-20—*West Virginia Broadcasters Association* 43rd annual meeting. Greenbrier, White Sulphur Springs, W. Va.

Aug. 18-19—*Utah Broadcasters Association* annual convention and awards banquet. Park City, Utah.

Aug. 20-23—*Cable Television Administration and Marketing Society* annual conference. Marriott hotel, Chicago.

Aug. 22—Broadcast opportunity conference, co-sponsored by *Minority Business Development Center, Broadcast Capital Fund and Interracial Council for Business Opportunity*, and underwritten by *U.S. Department of Commerce's Minority Business Development Agency*. Stouffer Tower City, Cleveland. Information: Anna Johnson, (212) 779-4360.

Aug. 23—*National Academy of Television Arts and Sciences, New York chapter*, drop-in luncheon. Speaker: Adrian Bogart, director of advertising sales, Travel Channel. Copacabana, New York. Information: (212) 768-7050.

Aug. 23—*Society of Cable Television Engineers, Rocky Mountain chapter*, technical session on "transportation systems." TCI headquarters, Denver. Information: (303) 792-0023.

Aug. 24—Broadcast opportunity conference, co-sponsored by *Minority Business Development Center, Broadcast Capital Fund and Interracial Council for Business Opportunity*, and underwritten by *U.S. Department of Commerce's Minority Business Development Agency*. Westin Crown Center, Kansas City, Mo. Information: Anna Johnson, (212) 779-4360.

Aug. 24-26—Libel/privacy conference, "Building Winning Strategies," sponsored by *Libel Defense Resource Center, American Newspaper Publishers Association and National Association of Broadcasters*. Westin hotel, Seattle. Information: LDRC, (212) 889-2306.

Aug. 25-26—*North Dakota Broadcasters Association* annual convention. Sheraton hotel, Bismarck, N.D.

Major Meetings

Aug. 20-23—*Cable Television Administration and Marketing Society* annual conference. Marriott, Chicago.

Aug. 27-29—Eastern Cable Show, sponsored by *Southern Cable Television Association*. Merchandise Mart, Atlanta. Future convention: Sept. 16-18, 1990, Washington Convention Center, Washington.

Sept. 13-16—*Radio-Television News Directors Association* annual convention. Kansas City Convention Center, Kansas City, Mo.

Sept. 13-16—Radio '89 convention, sponsored by *National Association of Broadcasters*. New Orleans. Future meetings: Sept. 12-15, 1990, Boston, and Sept. 11-14 (tentative), 1991, San Francisco.

Oct. 1-3—*Association of National Advertisers* annual convention. Homestead, Hot Springs, Va.

Oct. 3-5—*Atlantic Cable Show*. Atlantic City Convention Center, Atlantic City, N.J. Information: (609) 848-1000.

Oct. 5-8—*Society of Broadcast Engineers* fourth annual national convention. Kansas City, Mo. Information: 1-800-225-8183. Future convention: Oct. 4-7, 1990, St. Louis.

Oct. 12-16—*MIPCOM*, international film and program market for TV, video, cable and satellite. Palais des Festivals, Cannes, France. Information: Perard Associates, (212) 750-8899. Future convention: Oct. 11-15, 1990, Cannes.

Oct. 21-25—*Society of Motion Picture & Television Engineers* 131st technical conference and equipment exhibit. Los Angeles Convention Center.

Nov. 13-15—*Television Bureau of Advertising* annual meeting. Century Plaza hotel, Los Angeles.

Dec. 13-15—Western Cable Show, sponsored by *California Cable Television Association*. Anaheim Convention Center, Anaheim, Calif.

Jan. 3-6, 1990—*Association of Independent Television Stations* annual convention. Century Plaza, Los Angeles. Future convention: Jan. 7-10, 1991, Century Plaza, Los Angeles.

Jan. 16-19, 1990—27th annual *NATPE International* convention. New Orleans Convention Center, New Orleans.

Jan. 18-21, 1990—*Radio Advertising Bureau* annual Managing Sales Conference. Loews Anatole, Dallas. Future conference: Feb. 1-4, 1991, Loews Anatole, Dallas.

Jan. 26-27, 1990—*Society of Motion Picture and Television Engineers* 24th annual television conference. Contemporary hotel, Orlando, Fla.

Jan. 27-31, 1990—*National Religious Broadcasters* 47th annual convention. Sheraton Washington and Omni Shoreham hotels, Washington.

Feb. 11-16, 1990—12th International Film, Television and Video Market. Loews hotel, Monte Carlo, Monaco.

Feb. 21-23, 1990—Texas Cable Show, sponsored by *Texas Cable TV Association*. San Antonio Convention Center, San Antonio, Tex.

Feb. 28-March 3, 1990—21st annual Country Radio Seminar, sponsored by *Country Radio Broadcasters*. Opryland, Nashville.

March 31-April 3, 1990—*National Association of Broadcasters* 68th annual convention. Atlanta. Future conventions: Las Vegas, April 13-16, 1991; Las Vegas, April 11-14, 1992, and Las Vegas, May 1-4 (tentative), 1993.

April 1-3, 1990—*Cabletelevision Advertising Bureau* ninth annual conference. Marriott Marquis, New York.

April 18-20, 1990—*Broadcast Financial Management Association* 30th annual meeting. Hyatt Regency, San Francisco.

April 20-25, 1990—*MIP-TV*, international television program market. Palais des Festivals, Cannes, France. Information: (212) 750-8899.

May 17-20, 1990—*American Women in Radio and Television* 39th annual convention. Capital Hilton, Washington.

May 21-23, 1990—*National Cable Television Association* annual convention. Convention Center, Atlanta.

Sept. 21-25, 1990—International Broadcasting Convention. Brighton Convention Center. Brighton, England.

Aug. 27-29—*Nebraska Broadcasters Association* 56th annual convention. Interstate Holiday Inn, Grand Island, Neb.

Aug. 27-29—Eastern Cable Show, sponsored by *Southern Cable Television Association*. Merchandise Mart. Atlanta.

Aug. 28-30—*Association of National Advertisers* creative advertising promotion strategy. Stouffer Westchester hotel. White Plains, N.Y.

Aug. 29-30—*Cabletelevision Advertising Bureau* sales orientation seminar for new ad sales people. Chicago. Information: (212) 751-7770.

Aug. 30—*Ohio Association of Broadcasters* AM radio meeting. Embassy Suites, Columbus, Ohio.

Aug. 31—Deadline for entries in Jumbo Prawn Awards, for "people...who apply their creative genius to the art form of radio." sponsored by *Northwestern California Broadcasters Association*. Information: NCBA, 151 Union Street, suite 385, San Francisco, 94111.

September

Sept. 6—*National Academy of Television Arts and Sciences, New York chapter*, drop-in luncheon. Speaker: Thomas Rogers, president, NBC Cable and Business Development. Copacabana, New York. Information: (212) 768-7050.

Sept. 7—*USA Network* local ad sales seminar. Ritz-Carlton hotel, Houston. Information: (213) 277-0199.

Sept. 7—*USA Network* local ad sales seminar. Sheraton Grand hotel at Dallas/Fort Worth airport.

Dallas. Information: (213) 277-0199.

Sept. 8-11—*National Association of Telecommunications Officers and Advisers* ninth annual conference. Theme: "New Visions on the Telecommunications Horizon." Scottsdale, Ariz. Information: Catharine Rice, (202) 626-3160.

Sept. 11-13—*Wireless Cable Association* convention. Hyatt Crystal City, Arlington, Va. Information: (202) 452-7283.

Sept. 12—Presentation of New and Documentary Emmy Awards, sponsored by *National Television Academy*. Waldorf-Astoria, New York. Information: (212) 586-8424.

Sept. 12—Deadline for entries in TV promotion spots and ID's category (for work produced or aired between July 1, 1989, and Sept. 12, 1989) of International Film & TV Festival, sponsored by *New York Festivals*. Information: (914) 238-4481.

Sept. 12—*MTV Networks'* local advertising sales workshop. Westin Lenox, Atlanta.

Sept. 12—*Cabletelevision Advertising Bureau* local sales workshop. Holiday Inn Crowne Plaza, White Plains, N.Y. Information: (914) 682-0050.

Sept. 12-15—*National Association of Black Owned Broadcasters* 13th annual fall broadcast management conference. Theme: "Broadcasting in the 1990's—Getting Ready." Ramada Renaissance hotel, Washington.

Sept. 13—*National Academy of Television Arts and Sciences, New York chapter*, drop-in luncheon. Speaker: Kay Koplovitz, president and CEO, USA Network. Copacabana, New York. Information: (212) 768-7050.

Sept. 13—*USA Network* affiliate marketing seminar. Embassy Suites-Denver Tech Center, Denver.

Information: (212) 408-9100.

Sept. 13-16—Radio '89 convention, sponsored by *National Association of Broadcasters*. New Orleans.

Sept. 13-16—*Radio-Television News Directors Association* 44th annual international conference and exhibition. Speakers include Ted Turner, Turner Broadcasting System; keynoteer Andrea Mitchell, NBC News, and George Will, syndicated columnist. Kansas City Convention Center, Kansas City, Mo. Information: (202) 659-6510.

■ **Sept. 14**—Seventh annual Everett C. Parker Ethics in Telecommunications lecture, co-sponsored by *Office of Communication of United Church of Christ* and *National Council of Churches, Communication Commission*. Speaker: Tony Schwartz, Interchurch Center, New York. Information: (212) 683-5656.

Sept. 14—*USA Network* local ad sales seminar. Embassy Suites-Denver Tech Center, Denver. Information: (212) 408-9100.

Sept. 14—*Cabletelevision Advertising Bureau* local sales workshop. Holiday Inn-Eastgate, Cincinnati. Information: (513) 752-4400.

Sept. 14—*MTV Networks'* local advertising sales workshop. Marriott Harbor Beach, Fort Lauderdale, Fla.

Sept. 15—Deadline for entries in International Film and Video Festival sponsored by *Women in the Director's Chair*. Information: (312) 281-4988.

Sept. 16—*Academy of Television Arts and Sciences* presentation of non-televised portion of 41st annual prime time Emmy Awards, primarily for creative arts categories. Pasadena exhibition hall, Pasadena, Calif. Information: (818) 763-2975.

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WHO'S THE FAIREST?

Conservatives are mad at Ted Turner, the swashbuckling entrepreneur who built the Turner Broadcasting empire. There is justification for their ire. Turner, once considered a pillar of the right, took a sharp U-turn a few years ago and began using his superstation, TBS, to sing the praises of the Soviet Union and promote its "peace" propaganda. In 1986, he was quoted by *Fortune* magazine as saying, "Communism is fine with me. It's part of the fabric of life on this planet." Seven months later, he appeared on an ABC "Viewpoint" program and equated the Russian Revolution with the American Revolution.

He followed that with a series on the Soviet Union on TBS that portrayed that country in such a rosy light that it became an embarrassment once Gorbachev let his own media tell it like it is. Subsequent disclosures have made it clear that this "Portrait of the Soviet Union" was a portrait of a Potemkin village. Conservatives looked upon Turner as an ideological turncoat who was as naive in politics as he was astute in business.

Turner is a supporter of the pro-choice position on abortion, and he was willing to give valuable air time to promote that cause, take heavy criticism from his foes, and donate more valuable time to give them an opportunity to state their case. If conservatives are angry because he's not on their side, perhaps they should save some of their anger for the conservatives who control a major television network but who aren't as willing as Ted Turner is to use it to promote their views.

Thomas Murphy, the chairman and CEO of Capital Cities/ABC is a conservative and a Roman Catholic. Rather than jumping on Turner for airing a film supporting his views on abortion, the pro-lifers might well be asking Tom Murphy why he doesn't have an anti-abortion film aired on ABC. Would he be willing to risk the kind of criticism heaped on Ted Turner? Would he be willing to put on a panel discussion, with both sides represented, to debate the question?

Turner thinks the U.S. spends too much on the military and he puts on programs that pitch that line. Murphy, a close friend and associate of the late CIA director, William J. Casey, is presumably for a strong national defense. But you wouldn't know it from watching ABC News. They killed

a pro-defense documentary produced by David Hartman in which they had invested a lot of money. Instead they aired a documentary critical of the military.

Ted Turner has given us CNN, providing far more balanced news coverage than the other networks. You can see Pat Buchanan on CNN in prime time six days a week. ABC serves up George Will on Sunday morning. TBS's entertainment programs can be watched with the kids. ABC is part of the sleaze race. At the TBS annual meeting recently, AIM was critical of some of their programming. Turner responded saying that he would give us a chance to air those criticisms on CNN. Earlier this year ABC killed a program that was going to give some publicity to AIM. Turner has strong views, but he believes in fairness. Tom Murphy has yet to show that he believes in anything but the bottom line.

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Sept. 16—North Jersey Press Club meeting. Fairleigh Dickinson University, Teaneck, N.J. Information: (201) 322-8343.

Sept. 16-19—Second International Teleproduction Society annual forum. Century Plaza, Los Angeles. Information: (212) 629-3266.

Sept. 17—41st annual prime time Emmy awards telecast (on Fox television stations), sponsored by Academy of Television Arts and Sciences. Pasadena Civic Auditorium, Pasadena, Calif. Information: (818) 763-2975.

Sept. 17-19—Kentucky Cable TV Association annual fall convention. Marriott Resort, Lexington, Ky. Information: (502) 864-5352.

Sept. 17-22—American Advertising Federation second annual advanced advertising management seminar. Northwestern University's James Allen Center, Evanston, Ill.

■ **Sept. 19-20**—Washington Journalism Center conference for journalists, "Politics 1990: New Issues, Shifting Strategies, Changing Coalitions." Watergate hotel, Washington. Information: (202) 337-3603.

Sept. 20—National Academy of Television Arts and Sciences, New York chapter, drop-in luncheon. Speaker: Thomas Burchill, president and CEO, Lifetime Television. Copacabana, New York. Information: (212) 768-7050.

Sept. 20-22—Great Lakes Cable Expo, sponsored by Illinois, Indiana, Michigan and Ohio cable television associations. Columbus, Ohio. Information: Dixie Russell, (614) 272-0860.

Sept. 21-22—39th annual Broadcast Symposium, sponsored by Institute of Electronic and Electrical Engineers/Broadcast Technology Society. Hotel Washington, Washington. Information: (202) 429-5346.

Sept. 22—Society of Broadcast Engineers, chapter 22, central New York, annual regional convention. Convention Center, Sheraton Inn, Syracuse.



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Sept. 22-24—Maine Association of Broadcasters annual convention. Marriott hotel, Portland, Maine.

Sept. 22-27—Cinetex '89, international film and television festival, market, exposition, conference and film festival, produced in cooperation with American Film Institute. Bally's hotel, Las Vegas. Information: (818) 907-7788.

Sept. 24-26—New Jersey Broadcasters Association 43rd annual convention. Bally's Grand Casino hotel, Atlantic City, N.J. Information: (201) 247-3337.

Sept. 24-26—"Building the Winning Team," workshop for major market stations on setting, managing and reaching audience goal, sponsored by National Public Radio and National Federation of Community Broadcasters with funding from Corporation for Public Broadcasting. Seattle. Information: (202) 822-2000.

Sept. 25—Women in Cable, Washington chapter, annual fall gala commemorating 10th anniversary of WIC with salute to 10 women "who have contributed significantly to the cable television industry." Omni Shoreham hotel, Washington. Information: Lynn Levine, (202) 872-9200.

Sept. 25-29—National Association of Broadcasters training course for satellite uplink operators. Tyson's Corner Marriott, McLean, Va. Information: (202) 429-5350.

Sept. 26—National Academy of Cable Programming fourth annual forum. Waldorf Astoria, New York. Information: (202) 775-3611.

Sept. 26-30—10th anniversary conference of Midwest Radio Theater Workshop. Columbia, Mo. Information: (314) 874-1139.

Sept. 27—Walter Kaitz Foundation annual awards dinner, this year honoring J. Richard Munro, chairman and CEO, Time Inc. New York Hilton and Towers, New York.

Sept. 27—International Radio and Television Society newsmaker luncheon. Waldorf-Astoria, New York. Information: (212) 867-6650.

Sept. 28—National Academy of Television Arts and Sciences, New York chapter, drop-in luncheon. Speaker: David Niles, president, 1125 Productions, on HDTV. Copacabana, New York. Information: (212) 768-7050.

Sept. 28—International Radio & Television Foundation "reunites deans of electronic journalism: David Brinkley, John Chancellor and Walter Cronkite." Plaza hotel, New York.

Sept. 28—Bay Area Society of Television, Advertising and Radio second annual auction/dinner/dance. Hotel Nikko, San Francisco. Information: (415) 765-8804.

Sept. 28—Southern California Broadcasters Association business development seminar. Hyatt on Sunset, Los Angeles. Information: (213) 466-4481.

Sept. 29—Deadline for entries for Ohio State Awards program competition honoring excellence in educational, informational and public affairs broadcasting, sponsored by Institute for Education by Radio-Television, Ohio State University. Information: Phyllis Madry, (614) 292-0185.

October

Oct. 1-3—Illinois Broadcaster Association annual convention. The Abbey, Fontenac, Wis.

Oct. 1-4—Association of National Advertisers annual convention. Theme: "Critical Issues Facing National Advertisers." Homestead, Hot Springs, Va. Information: (212) 697-5950.

Oct. 3-5—Atlantic Cable Show. Atlantic City Convention Center, Atlantic City, N.J. Information: (609) 848-1000.

Oct. 3-8—World Summit for Electronic Media, organized by International Telecommunication Union. Theme: "Towards Global Information: The Electronic Media Explosion." Geneva Exhibition

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and Congress Center, Geneva. Information: (31 2968) 6226.

Oct. 5-7—"Hundred Plus Exchange," sponsored by *National Association of Broadcasters*. Knickerbocker hotel, Chicago. Information: (202) 429-5355.

Oct. 5-8—*Society of Broadcast Engineers* fourth annual national convention. Kansas City, Mo. Call for papers: John Battison, (419) 994-3849. Convention information: 1-800-225-8183.

Oct. 6-7—*International Television Association* region eight conference. Bartel Exhibition Hall, Kansas City, Mo. Information: (816) 932-2792.

Oct. 11-14—*Southern Educational Communications Association* conference. Hyatt Regency Crown Center, Kansas City, Mo. Information: (803) 799-5517.

Oct. 11-15—*Women in Communications* national professional conference. Theme: "Creating Your Future." Hilton Plaza del Rio, San Antonio, Tex.

Oct. 12-15—*Minnesota Broadcasters Association* 40th anniversary convention. Radisson Plaza, Minneapolis. Information: Laura Niemi, (612) 926-8123.

Oct. 12-16—*MIPCOM*, international film and program market for TV, video, cable and satellite. Palais des Festivals, Cannes, France. Information: Perard Associates, (212) 967-7600.

Oct. 14-16—*Texas Association of Broadcasters* annual convention. San Antonio, Tex.

Oct. 15-18—*Women in Cable* national cable management conference. U.S. Grant hotel, San Diego. Information: Reenee Gill, (312) 661-1700.

■ **Oct. 15-18**—*American Children's Television Festival* for "everyone interested in an optimistic, practical approach to improving children's television." Ollie Awards for "excellence in television programming for America's children" will be presented during festival. Ambassador West, Chicago. Information: (312) 390-8700.

Oct. 16-18—*United States Telephone Association* 92nd annual convention. Hilton hotel at Union Square, San Francisco.

Oct. 17—*Association of National Advertisers and Direct Marketing Association* direct marketing workshop for advertisers. Waldorf Astoria, New York. Information: (212) 697-5950.

Oct. 17-18—*Broadcast Credit Association* 22nd credit and collection seminar. Scottsdale Hilton, Scottsdale, Ariz. Information: Mark Matz, (312) 827-9330.

Oct. 17-19—*Mid-America Cable TV Association* show. Kansas City, Mo. Information: (915) 841-9241.

Oct. 17-19—*Pennsylvania Association of Broadcasters* annual convention. Pittsburgh.

Oct. 18-19—Regional job opportunities conference for minorities sponsored by *Society of Professional Journalists*, in cooperation with *American Society of Newspaper Editors* and *Texas AP Managing Editors*. Westin Galleria hotel, Houston. Information: Ira Perry, (713) 840-5826 or (312) 922-7424.

Oct. 18-20—*Indiana Broadcasters Association* fall conference. Westin hotel, Indianapolis. Information: (317) 638-1332.

Oct. 18-20—*Kansas Association of Broadcasters* annual fall convention. Hutchinson, Kan.

Oct. 18-21—*Audio Engineering Society* 87th convention. New York Hilton and Sheraton Center, New York. Information: (212) 661-8528.

Oct. 19—*MTV Networks'* local advertising sales workshop. Marriott Long Wharf, Boston.

Oct. 19-21—*Friends of Old-Time Radio* 14th annual convention. Holiday Inn-North, Holiday Plaza, Newark, N.J. Information: Jay Hickerson, (203) 248-2887.

Oct. 19-21—*National Federation of Local Cable Programers* regional fall conference. "Access TV: Where Your Neighbors Are," sponsored by Cen-

tral states and Midwest regions of NFLCP. Fort Wayne, Ind. Information: (219) 424-7241.

Oct. 19-22—*National Religious Broadcasters, Eastern chapter*, meeting. Sandy Cove conference center, North East, Md. Information: Sue Bahner, (716) 461-9212.

Oct. 20-21—*New Hampshire Association of Broadcasters* annual convention. Sheraton Wasyfarer, Bedford, N.H.

Oct. 21-24—*North Carolina Association of Broadcasters* annual meeting. Grove Park Inn, Asheville, N.C.

Oct. 21-25—*Society of Motion Picture and Television Engineers* 131st technical conference and equipment exhibit. Los Angeles Convention Center, Los Angeles. Information: (914) 761-1100.

Oct. 22-24—*Oregon Association of Broadcasters* and *Washington State Association of Broadcasters* joint annual meeting. Hyatt Regency, Bellevue, Wash. Hyatt Regency, Bellevue, Wash. Information: (206) 448-9722.

Oct. 23-25—11th annual *Satellite Communications Users Conference*. Convention Center, Washington.

Oct. 25-26—*Ohio Association of Broadcasters* fall convention. Hyatt on Capitol Square, Columbus, Ohio.

Oct. 25-28—52nd annual Western region convention of *American Association of Advertising Agencies*. Theme: "Tides of Change." Red Lion Resort, Santa Barbara, Calif.

Oct. 25-28—Broadcast '89, trade fair for film, radio and television. Frankfurt Fair Ground, Frankfurt, West Germany. Information: (069) 7575-6452.

Oct. 26—*Southern California Broadcasters Association* business development seminar. Hyatt on Sunset, Los Angeles. Information: (213) 466-4481.

Oct. 27-28—*Missouri Broadcasters Association* fall meeting. Holiday Inn Executive Center, Colum-

bia, Mo. Information: (314) 636-6692.

Oct. 29-Nov. 2—"Radio in the 1990's" third radio news and current affairs conference hosted by *North American National Broadcasters Association*. Washington Sheraton, Washington.

November

■ **Nov. 2**—European conference on advertiser-supported programming, jointly sponsored by *Advertiser Syndicated Television Association* and *UK's Independent Program Producers Association*. Hyde Park Hilton, London. Information: (212) 245-0840.

Nov. 2—Presentation of Gabriel Awards, sponsored by *Unda-USA, National Catholic Association for Broadcasters and Communicators*, for "programs which serve viewers and listeners through the positive, creative treatment of issues of concern to humankind." Omni Inner Harbor hotel, Baltimore.

■ **Nov. 3-5**—*Alpha Epsilon Rho Midwest/Central Plains* regional convention. Sheraton Plaza hotel, St. Louis. Information: Dianna Kirby-Clark, (314) 595-4463.

Nov. 5-7—Second annual LPTV conference and exposition, sponsored by *Community Broadcasters Association*. Riviera hotel, Las Vegas. Information: (800) 225-8183.

Nov. 8—Presentation of Women at Work Broadcast Awards, sponsored by *National Commission on Working Women*. Washington. Information: (202) 737-5764.

Nov. 8-10—TV commercials festival of International Film & TV Festival of New York. Sheraton Center, New York. Information: (914) 238-4481.

Nov. 9-11—*National Association of Farm Broadcasters* annual meeting. Crowne Plaza, Kansas City, Mo.

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Nov. 10-12—*Broadcast Executive Directors Association* fall idea exchange. The Greenbrier, White Sulphur Springs, W. Va.

Nov. 13-15—*Television Bureau of Advertising* annual convention. Century Plaza, Los Angeles.

■ Nov. 13-15—*Association of National Advertisers* TV commercial production management seminar. Stouffer Westchester hotel, White Plains, N.Y. Information: (212) 697-5950.

Nov. 20—17th International Emmy Awards presentation. Sheraton Center, New York. Information: Gillian Rose, (212) 489-6969.

Nov. 29-Dec. 1—Seventh annual Private Cable Show. Caesars Tahoe, Lake Tahoe, Nev. Information: (713) 342-9655.

December

Dec. 13—*American Sportscasters Association* fifth annual hall of fame dinner. Marriott Marquis, New York. Information: (212) 227-8080.

Dec. 13-15—Western Cable Show. Anaheim, Calif. Information: (415) 428-2225.

January, 1990

Jan. 10-12—TV programing festival of International Film & TV Festival of New York. Sheraton Center, New York. Information: (914) 238-4481.

Jan. 16-19—*NATPE International* 27th annual convention. New Orleans Convention Center, New Orleans. Information: (213) 282-8801.

Jan. 18-21—*Radio Advertising Bureau* annual Managing Sales Conference. Loews Anatole, Dallas.

Jan. 19-20—Colorado Broadcasters Association winter meeting and awards banquet. The Clarion hotel, Colorado Springs.

■ Jan. 23-25—*Georgia Association of Broadcasters* Georgia Radio-TV Institute. University of Georgia, Athens. Information: (404) 993-2200.

Jan. 26-27—*Society of Motion Picture and Television Engineers* 24th annual television conference. Contemporary hotel, Orlando, Fla. Information: (914) 761-1100.

Jan. 27-31—*National Religious Broadcasters* 47th annual convention. Sheraton Washington and Omni Shoreham hotels, Washington.

Jan. 31-Feb.1—*South Carolina Broadcasters Association* 42nd annual convention. Embassy Suites hotel, Columbia, S.C.

February, 1990

Feb. 11-16—12th International Film, Television and Video Market. Loews hotel, Monte Carlo, Monaco.

Feb. 21-23—Texas Cable Show, sponsored by *Texas Cable TV Association*. San Antonio Convention Center, San Antonio. Information: (512) 474-2082.

Feb. 28-March 3—21st annual Country Radio Seminar, sponsored by *Country Radio Broadcasters*. Opryland, Nashville.



Glass half empty or half full?

EDITOR: In the July 31 issue of BROADCASTING, you report (on page 8) on a survey of 131 stations regarding broadcast of the Walter Cronkite "Free TV" spot. You observe that all but one of the 15 stations that did not air the spot were independents.

As you know, the spot was fed by all three networks as a part of network time. Thus, participation in this event required no effort whatsoever by affiliates. In fact, affiliate stations were required to undertake affirmative acts to not broadcast the spot.

Like many other aspects of our industry, the situation was not as easy for the independents. In order to run the Cronkite spot, each individual independent station had to be contacted, make the necessary trafficking arrangements, be advised of the satellite feed times and technical details and be able to commit the necessary receiving and recording equipment. In addition, technical problems with two of the satellite feeds presented another obstacle.

The real story here is not that a few independent stations did not run the spot, but that so many did.—Preston R. Padden, president, Association of Independent Television Stations, Washington.

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A cable TV-telco entry commentary by Sol Schildhouse, Farrow, Schildhouse & Wilson, Washington

If cable's a deregulated monopoly, let's let in another monopoly to battle it out with them." Who said that? No, not Casey Stengel. Actually, it's a staff member from Congressman John Dingell's committee. Not open competition, mind you, but competition only between monopolists. The same stuff comes out of the National League of Cities. Customarily, they stand at the franchising toll-gate and block competing cable systems. Now they say they're for letting the telephone companies into the cable business to compete with the existing operator. What's up?

Only the unborn have been naive enough to take seriously FCC assurances over the last couple of years that its judgments on letting telephone back into the cable business are "tentative." There is no possibility of talking the commission's chairman, either this one or the next, out of the tentative conclusion, and, decently, there should be a sign on the door at 1919 M Street that says: "Save Your Breath." But the game will be played out, something like a Kabuki performance—predictable and full of ceremony. And, so, the commission has solicited comments. Because talk is cheap, they're getting lots of it. All the players are acting out their usual shameful and willing roles. And records are being set in spelling out result-oriented sophistry.

It was only yesterday that the National Cable Television Association and the National League of Cities were together in supporting the Cable Act. Now they're on opposite sides. The NCTA is all for keeping out those nasty telephone people. A few years ago, cable was fighting for change; today, it is busy defending its monopoly. The NLC, which really is also scripturally committed to franchising only one cable operator at the local level—because it locks in a city's control over its cable company—now is gung-ho for letting in the telcos to compete. Are they surrendering their gospel about cable being a natural monopoly? Who knows. Anyway, what's a little hypocrisy among understanding friends.

Actually, the NLC's position is not all that eccentric. Believe me, they are as faithful to monopoly franchising as is the mainstream of cable operators. What they are about is maintaining control over the cable franchisee—to be able to make him come to terms, whether it be at renewal, system sale, or any other time. What better way to compel submission than to dangle the menace of a waiting-in-the-wings telco competitor? And offstage is where the NLC means to keep that competition. That's why its support for lifting the entry ban is coupled with an insistence that telcos will have to be locally franchised.

There's also a bonus for the NLC in its rhetorical support for telco entry. They're



“ Who’s around to care about whether the consumer would be served by open and honest competition in the cable business? ”

getting even. Getting even for what? It has to do with the NCTA's refusal to join the NLC in getting behind legislation to bar the kind of First Amendment damage suits against cities that a person we all know has shown the rest of the world how to carry off. But why would the NCTA be backing off from the NLC on curbing those damage suits? Aren't they just as earnest as the NLC in support of monopoly franchising and for spiking the litigation that is designed to break up the cozy relationship between the cities and their local cable buddies? Sure they are—but up to a point. They want to make sure they don't in the process surrender their own right to pursue judicial remedy if the locals make unmanageable trouble at renewal time or get in the way of a profitable sale of a system.

The latter is, by the way, no small item. Examples are surfacing here and there of local extortion when a system sale impends. Witness a bureau chief of the Los Angeles Department of Telecommunications chairing an instructional session at the annual National Association of Telecommunications Officers and Advisers meeting last September and teaching that group of local cable regulators that the requirement to obtain their consent to a system sale is “a lever that you can use.” What did he mean

by “lever?” To his credit, he was open about it: “You're talking about hundreds of millions of dollars sometimes now.” Interest costs mount and dragging feet can be expensive for both sides to the transaction. “We've used that and we said, well, we're not denying you. The process takes a certain amount of time. [Wink, wink]. By the way, we have these issues over here and, to the extent that they are resolved before the transfer, perhaps we can speed the thing up a little bit.” And, in a final salute: “Yes, it's a little bit coercive. We've all sure been on the receiving end of that stick.”

Returning to the telco-cable battle, we now have the other players chiming in. What are the movie and other program suppliers up to? They're all for letting the phone companies in. “We want competition.” Give them more than one player—read that, customer—and the price, if not the value, of *Golden Girls* moves up a notch.

But, wait! Out of the mist comes—guess who! And you thought they had expired. The National Association of Broadcasters, that's who. They've come to the rescue of the cable industry and want to keep out the telcos. Why? Because they love the cable guys? Sure they do. The way Ben Hooks adores Ronald Reagan. But the NAB perceives a need to bring home a conquest on must carry, and the NCTA is an easy make on that one.

More significantly, it may be that the NAB guys have known for a long time that they're better off competing with cable people—most of whom count luck as their principal talent—than with the time-hardened toughs of the phone business. They also know from memory and practice how to beat up on cable when they have to.

So, now, who's on first? If those players would only stand still for a while, we'd be able to tell. But it's difficult to make them out by looking at what they used to be, especially the cable industry, which early on was full of pioneers willing to take on any competition. It all reminds one of a Lewis Grizzard story about the ugly, fat, bald-headed fellow who lost 75 pounds, had a hair transplant and cosmetic surgery, and was then embraced by his old love who had earlier rejected him. But as they were crossing an open field, a bolt of lightning struck him. As he lay dying on the ground, his appeal of “Why me, God?” was answered by a heavenly “I'm sorry, Sam, I didn't recognize you.”

Hey, where does the consumer come out in all of this? Probably picked off first base, but then, who's noticing? Who's around to care about whether the consumer would be served by open and honest competition in the cable business? Surely not the hordes of cable administrators and consultants who feed off the droppings of that corrupt process that is laughingly called “franchising.”



Enough said.

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Broadcasting Aug 7

Vol. 117 No. 6

TOP OF THE WEEK



Senatorial inquisition. It was a tense if not grueling Senate confirmation hearing for FCC nominees Andrew C. Barrett, Alfred Sikes and Sherrie Marshall, who were pressured by Commerce Committee Democrats to disavow the marketplace policies of the Reagan FCC. It seemed the most unsettling for Barrett (left), who committed the faux pas of the week when he suggested the members keep in mind that there is a "market" for indecent programming. There were some rocky moments for chairman-designate Sikes (on left at center) despite the backing of his long-time comrade, Missouri's senior senator, Republican John Danforth (on right at center). But it was Marshall (right) who drew kudos for her presentation and for her sidestepping of senatorial land mines. She was, as one Senate staffer said, "the star."

Congress asserts its dominion over FCC

Senate Commerce Committee lays down law to nominees; Hill priority is regulation of indecent, violent programming

Congress made itself clear last week: It makes policy, the FCC carries it out. That was the overriding message delivered at last week's Senate Commerce Committee confirmation hearing of FCC nominees Alfred Sikes (chairman), Andrew Barrett and Sherrie Marshall. The committee members were explicit in their desire to see the Sikes FCC tighten the reins on the industries they regulate. Commerce Committee Chairman Ernest Hollings (D-S.C.) summed it up: "You folks take an oath to regulate, not deregulate. I can't get that through your heads."

The Hollings frustration was directed primarily at FCC's that weren't there: the last two Republican administrations headed by Mark Fowler and Dennis Patrick. But he and his colleagues didn't hesitate to tar the new nominees with the same brush.

From the tenor of the hearing it was equally clear that lawmakers wanted the FCC to assign priority status to the regulation of indecent and violent programming. "I have long supported and continue to support the Bill of Rights," said Daniel Inouye (D-Hawaii) at the close of the hearing. But, "I must confess that there are times when my support is strained and I think now is the time, because as chairman of the Communications Subcommittee, I am well aware of the filth and garbage that America is almost required to view each day."

A panel representing anti-indecency groups and the religious

right testified against the Sikes nomination (BROADCASTING, July 31). They claimed the former head of the National Telecommunications and Information Administration would ignore their concerns about indecency.

"My problem with the nominee is that he will not address the decency issue," said Ed McAteer, president of the Religious Roundtable, Memphis. Sikes may be "technically qualified," said McAteer, but he appears to lack a commitment to deal with indecency matters. He was joined by Ray Moore of the Palmetto Family Caucus, Columbia, S.C., and Peggy Coleman, who testified on behalf of the American Family Association, whose executive director, Donald Wildmon, was ill and could not attend.

There were senators who also were troubled by the Sikes, Barrett and Marshall nominations, viewing them as an extension of the Dennis Patrick and Mark Fowler FCC's. That complaint was lodged by Senators Al Gore (D-Tenn.) and Jay Rockefeller (D-W.Va.), who voted against them in committee although 15 other Commerce Committee members approved the nominations.

Gore said he was sending a "signal. I do not think what the FCC has been doing is in the public interest." Gore, who launched into a tirade against the agency during the confirmation hearing, was especially vocal about the FCC's failure to clean up the airwaves.

"I believe the American people are sick and tired of what is going on. And I am not doing this for the effect of the words magnified in news coverage," said Gore.

Rockefeller did not attend the hearing, but said his vote was



FCC nominees Marshall, Sikes and Barrett face members of Senate Commerce Committee during confirmation hearing last week (l to r): Ted Stevens (R-Alaska), John Danforth (R-Mo.), Daniel Inouye (D-Hawaii), Ernest Hollings (D-S.C.), Wendell Ford (D-Ky.), Al Gore (D-Tenn.), John Kerry (D-Mass.) and John Breaux (D-La.).

“symbolic” of his dissatisfaction with the Reagan-Bush approach to deregulation. He told reporters that his concern about television violence and indecency was a factor in his action. “Television has not been very helpful to the younger generation of this country,” said the senator.

For more than two hours, Senate Commerce Committee members grilled the nominees, resulting in some tense moments, especially for Barrett, whose responses to several questions concerned some members. Barrett has been a commissioner with the Illinois Commerce Commission since 1980. When Inouye asked how the nominees would treat “indecent and

violent” programming, Barrett said he found both “offensive.”

But it was the statement that followed that raised some senators’ eyebrows. “It seems to me that what we perceive to be indecent is not on television because there is no market. There is a market for indecency out there and I think we ought to keep in mind that there is an America out there, otherwise they would not be showing it,” said Barrett.

Gore said he was “puzzled” by Barrett’s response. “I am not suggesting that I believe it ought to be on television,” said the FCC candidate. “I am simply suggesting that if there was not a market out there for

it, and if there was not viewership out there, I would suggest it would probably not be there. I find it as horrible as most people do.”

Later, another of Barrett’s remarks provoked Hollings. The senator asked the nominees if they were there to carry out their own policy or the policy of Congress. “I think I am there to carry out the policy of the Congress,” Sikes said. “I agree. You make the policy and we implement it,” Marshall replied.

But Barrett chose another course. “I would think that as long as the Congress’s policy is in the public interest, I certainly would agree with Mr. Sikes.”

“Now wait a minute,” said the chairman. “You just busted your breeches, man. You cannot come along with that answer. We cannot have an individual measure of the public policy,” scolded Hollings. Barrett quickly corrected himself: “I would think that any piece of legislation that comes out of either House here. Senator, would be in the public interest, and if that is the answer you are seeking my answer is yes, I would support that.”

Indecency was a primary issue for many on the Senate panel. Hollings was particularly critical of the FCC’s earlier indecency rule that created a safe harbor for the broadcast of indecent material between midnight and 6 a.m. Last fall, following President Reagan’s signing of an indecency law, the FCC unanimously adopted a new policy that prohibits “indecent” broadcasts 24 hours per day. But the policy and underlying law are being challenged in court and on Jan. 23 the U.S. Court of Appeals granted a stay request on the 24-hour ban.

“That ragamuffin commission that preceded you said: ‘Oh well, you can get obscene from midnight to 4 [sic] in the morning.’ Can you imagine grown people coming along with that nonsense? Garbage is garbage, regardless of the time of day,” argued Hollings.

Chilling tape. Senator Albert Gore (D-Tenn.), in decrying sex and violence on the airwaves at last week’s confirmation hearing, said a Nashville radio station had in an “entertainment” program aired a tape of a Phoenix man stabbing to death his wife and young stepdaughter, who had left her tape recorder running. An aide to Gore later identified the station as Jacor Broadcasting’s WYHY(FM) Lebanon, Tenn. (Nashville) and said the broadcast occurred a few weeks ago (the man was convicted of murder on June 21). When asked by BROADCASTING about the incident, Mike Kenney, general manager of the station, said the tape was aired as part of a morning newscast, not as entertainment. Kenney also noted that WYHY was not the first to air the tape. A spokesman for Fox Television’s *A Current Affair* confirmed that the program had aired a “few seconds” of it on July 17.

Revisionist. Senator Ernest F. Hollings (D-S.C.) offered his own version of telecommunications history during the confirmation hearing on President Bush’s three FCC nominations last week. Speaking of the need for regulation that technology has generated, the chairman of the Senate Commerce Committee referred to “the historic case of William Paley on top of the Wanamaker building at the sinking of the Lusitania.” Paley, he said, used his wireless to help in the rescue of survivors.

Historians recall things differently: It was the young David Sarnoff, later the head of RCA, who over 72 hours in April 1912 used a wireless to relay word of the sinking of the Titanic. Paley, who was to establish CBS, was 14 years old when a German submarine fired the torpedo that sank the British liner, the Lusitania, on May 7, 1915, and helped precipitate America’s entry into World War I.

But Hollings did get one thing right: Sarnoff performed his historic mission in a radio station established by John Wanamaker atop his Manhattan department store.

Sikes indicated that industry self-regulation is one way to deal with violence and indecent programming. Said Sikes: "When I first became a broadcaster in the late 1970's there was something called the NAB Code, and as a broadcaster I subscribed to that code and it set, I think, rather high standards. I would once again like to see the broadcasters have an opportunity, without fear of action against them under an anti-trust theory, to come together and set higher standards."

Marshall's answer was exactly what the lawmakers wanted to hear. Marshall is with the Washington law firm of Wiley, Rein & Fielding. "Mr. Chairman, I am committed to a vigorous enforcement of the congressional ban on broadcasting indecent programming. I think that the regulations are justified in this area because of the pervasiveness of the media and because of the unique accessibility of children to the programming."

Moreover, Marshall's stand on children's television was apt to please the senators. She feels broadcasters must be responsive to the needs of children. And she said she thought the FCC made a "mistake" in lifting the limits on advertising during children's shows.

Marshall, who served at the FCC under Patrick for a year as director of the office of legislative affairs, was queried by Gore about her role there. She was quick to point out that she came in after the FCC's decision to abolish the fairness doctrine, which drew laughter from the room. She said she came on as the "resident pragmatist" to see if she could improve the agency's relationship with Congress.

"I unfortunately underestimated just how bad the relations were and the damage that the fairness doctrine had done. I think the one thing I accomplished when I was there was that we did not surprise you anymore."

But Gore wanted to know if Marshall shared Patrick's philosophical view of the FCC's role. She told the panel that she supported pro-competitive policies because they can benefit consumers. But she emphasized that such policies have to be feasible and effective and benefit consumers. "If they cannot do that, then we need to have full and effective and fair regulation," she said.

Marshall did, however, indicate that she felt fairness "raises some strong constitutional questions," but if it is re-enacted she will enforce it. Sikes made it clear that he opposed the doctrine. He feels it inhibits broadcasters and creates confusion.

Barrett, on the other hand, was in sync with Hollings on this matter. Had he been at the commission, he said he would not have supported abolition.

The members kept coming back to programming content issues. Inouye wanted to know if they would permit broadcasts of so-called "snuff films"—pornographic films that include an actual murder. Barrett said he did not think so. Sikes replied that he did not know what the law said specifically in that case.

Inouye, however, was not willing to accept Sikes's answer and pursued it further.

"When a photographer is caught with a snuff film, he is put in jail. But you would permit that?" asked the senator.

Sikes apologized for "being a little slow on the uptake." He stressed that it was his "hope it would not be permitted."

In elaborating further on his position on indecency, Sikes told the senators that as a broadcaster who operated a rock-formatted radio station, he directed his manager to remove vulgar lyrics, a responsibility he felt he owed to the public as a broadcaster holding a public license.

"As a father, I specifically did not take that tier of cable television that included HBO and MTV, when it was first offered to me in Springfield, Mo. I felt that my daughters, all of whom were in their early to mid-teens, should not be exposed to

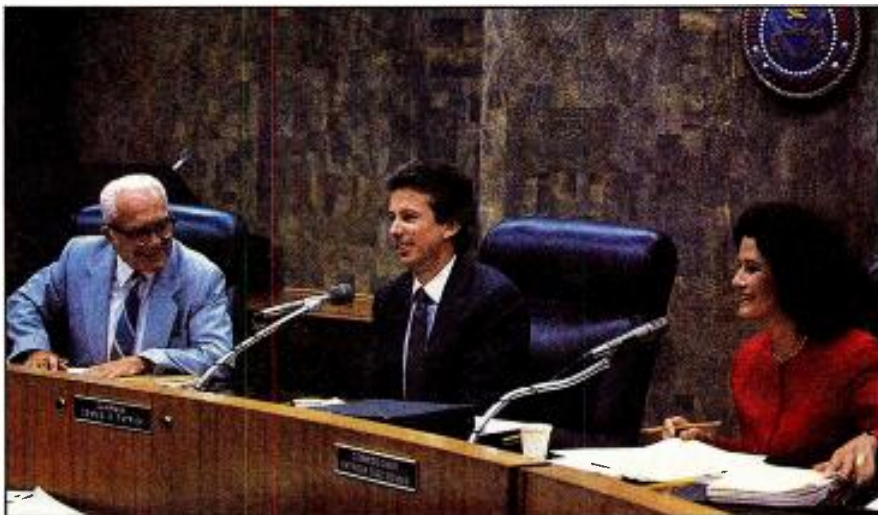
that."

Sensing that he may have alarmed committee members, Barrett later sent a letter to Hollings clarifying his comments. "There is no question that preventing obscene and indecent broadcasts is a critical function of the FCC," wrote Barrett. He pledged to do "everything in my power under the law to ensure that licensees across the nation broadcast programs that comport with the highest moral standards of our society."

Other issues did crop up. The FCC nominees were asked to reveal their views on cable television, high-definition television and whether or not the Bell operating companies should be liberated to become a provider of information services.

Sikes said he did not favor lifting all the restrictions but is on record at NTIA sup-

Swan song



Howard Landau, the soon-to-retire head of the FCC audio-video operation, tweaked FCC Chairman Dennis Patrick at the start of last Thursday's commission meeting—Patrick's last after six years as a commissioner and two as chairman—by piping in Frank Sinatra's "My Way."

"That bit of audio levity," as Patrick called it, set the stage for Patrick's formal goodbye to the agency in which he praised his fellow commissioners and agency staff for their contributions during his two years at the helm. "I believe together we have accomplished a great deal...in terms of promoting First Amendment values, freedom of contract, technological advances in broadcasting and telecommunications, market entry and competition—those values by which we act and live."

To a great extent, Patrick did do it his way. But, on occasion, his regulatory (or deregulatory) ambitions were foiled by Commissioners James Quello and Patricia Diaz Dennis, whose power was magnified by being the only two other votes through much of Patrick's chairmanship. The commission normally has five members.

Patrick called Quello a "mentor," but then quipped, "He has kept my fat out of the fire several times, and several times he has actually thrown it into the fire. But I guess it was a learning experience."

Patrick, whose personal relationship with Dennis has been strained, acknowledged they have disagreed at times, but said "we have agreed on the vast majority of items and I think the result...has been very, very positive."

Quello said he supported Patrick 95% of the time on agenda items. Nonetheless, he said, "I'm with you 100% personally, socially and you have my very best wishes for continued success in a very promising future."

Dennis's comments reflected an ambivalence about working with Patrick. "I feel a little bit like buddies who have been in battle together," she said. "Oftentimes, we have been in the same foxhole...and some think we probably shot across each other while we were in it, but for the most part we were battling others....I think at some point we sit back and swap war stories and look back with a lot more fondness perhaps than time allows us now."

porting some relaxation. "I think it is very hard to [say]...what particular companies can do and cannot do in an area that is changing rapidly," explained Sikes.

Barrett said his state supports lifting some of the prohibitions, but he wants to move slowly on the matter. Marshall suggested that Congress give the FCC some "guidance."

Senator John Kerry (D-Mass.) expressed an interest in how the FCC might deal with the migration of sports programming from over-the-air television to cable. Sikes told Kerry there was not "much precedent for dictating to programmers how they are to distribute their programming." But he promised to track siphoning developments.

Gore wanted to know what they would do about cable and its "monopoly" power. "I share your concerns about the monopoly power. I would like to study it carefully," replied Marshall. "I hear you, Senator," said Barrett. "We have the same problems in Chicago, I think, that you have stated."

Sikes said he intended to carry out the 1984 Cable Act, which directs the FCC to evaluate the impact of deregulation.

All three candidates were responsive to Hollings's desire to see the U.S. compete with the Japanese in the area of HDTV. "We need a single standard for terrestrial broadcasting, and you are the ones to work that out and position the United States so that we can be in a competitive position

with Japan," the chairman said.

Marshall said she believed the FCC, Congress and the executive branch should work together to ensure that "U.S. industry is a leader in the development of HDTV."

The nominees came politically prepared. Sikes was introduced by his long-time friend, Commerce's ranking Republican, John Danforth of Missouri, and by the state's other Republican senator, Kit Bond. Senator Paul Simon (D-Ill.) presented Barrett, and Marshall was endorsed by North Carolina Senators Jesse Helms (Republican) and Terry Sanford (Democrat).

It was expected that the Senate would confirm the nominees late Friday night (Aug. 4) before its August recess. —KM

GAO on cable: rates OK, but industry needs regulation

At hearing on Hill, Ols says study shows 14% overall subscriber bill increase over two years; statement that medium is monopoly causes furor among NCTA, some congressmen

It was a good-news, bad-news situation for the cable industry last week when the General Accounting Office released its long-awaited survey on rates before the House Telecommunications Subcommittee.

The good news: The GAO statistics did not provide the ammunition cable critics on Capitol Hill and elsewhere might have hoped for to press their case for reregulating cable or opening it up to competition from the telephone industry. The study showed a 29% increase in basic cable rates over two years and a 14% increase in the overall average subscriber bill.

The bad news: Asked what it all means, the GAO official who presented the study said it showed cable was a monopoly in need of reregulation. "With no competition and limited regulation, I believe we have a monopoly."

And when asked by House Telecommunications Subcommittee Chairman Ed Markey (D-Mass.) about the findings' impact on consumers, GAO's John Ols, asso-

ciate director for resources, community and economic development, said it was "bad news."

Ols's comments changed the tenor of the hearing. If it were not for his remarks, the hearing would have been a "ho-hummer," said one cable source. National Cable Television Association officials set out to minimize any fallout from Ols's assessment by challenging his authority to speak on behalf of the GAO. "I think the guy went beyond his commission," said NCTA President James Mooney, who also said he thought it was highly unusual for a GAO representative to issue opinions on policy.

NCTA's effort to undercut Ols commenced immediately. During a hearing break, it apparently conferred with Don Ritter (R-Pa.) and Dan Schaefer (R-Colo.), who returned to scold Ols for speaking out of school. "How you can draw the conclusion that there is a need for rate regulation is beyond me," said Ritter.

Schaefer, whose district is home to several cable MSO's, wanted to know why Ols did not include his comment as part of the written report. The GAO executive said he was under tight time constraints and could not, but that in anticipation of the question, he had cleared his answer with the agency's

general counsel. "The GAO backs me; I talked with the general counsel," Ols told reporters upon leaving the hearing.

Later, BROADCASTING talked with GAO spokesman Cleve Corlett, who said Ols "obviously speaks for the GAO." NCTA also said Ols was quoted in *Newsday* saying he was "mad because his cable operator raised his rates."

And Milton Socolar, special assistant to the comptroller general, told BROADCASTING that Ols "certainly represents GAO in an official capacity," but that he gave his "personal view." Nevertheless, Socolar did not consider Ols's remarks "off the wall" and said, "This is an area that bears looking at."

Despite the uproar over whether Ols was out of line, one cable source felt the hearing was "inconclusive." As Markey pointed out, there are still some outstanding questions, and he has asked GAO for a second study.

Markey wants some answers. It is uncertain, he said, whether the rate increases over the past two years were one-time adjustments or reflect a continuing trend. "It is unclear what role increased capital costs, increased programming costs and increased advertising revenues have played." Plus,

GAO cable TV tally

The bottom line on the General Accounting Office's survey of cable system's rate hikes was that the "lowest priced" basic service rose 29% over a 23-month period (Dec. 1, 1986-Oct. 31, 1988). But there was plenty above the line for cable and its critics to ponder.

The survey also found that rates for the "most popular" basic service jumped 26%. The GAO distinguished two classes of basic service because a quarter of the systems surveyed offered more than one tier of basic, and the lower priced service on those systems was not always the most popular.

The survey's other key finding was that revenue per subscriber—

which, the GAO said, is "roughly analogous" to a subscriber's monthly bill—increased just 14%, from \$21.58 to \$24.68. The revenue per subscriber did not rise as fast as basic rates because it factors in the price of pay services and other services (second-set hookups and remote control). The survey found that pay services actually dropped slightly, with no individual or combination of pay decreasing by more than 5%.

The GAO sent questionnaires to 1,950 randomly selected cable systems in five size groupings (see chart). After several follow-ups, the GAO compiled responses from 1,450.

Cable system	Lowest priced basic service (average charge/sub.)			Most popular basic service (average charge/sub.)			Average monthly revenue		
	1986	1988	% change	1986	1988	% change	1986	1988	% change
Very small (up to 1,000)	\$11.07	\$13.72	23.9	\$11.30	\$13.91	23.1	\$17.61	\$20.1	14.1
Small (1,001–3,500)	10.91	13.86	27.0	11.20	14.16	26.4	18.26	21.46	17.5
Medium (3,501–10,000)	10.65	14.01	31.5	10.96	14.10	28.6	19.03	22.32	17.3
Large (10,001–50,000)	11.13	14.53	30.5	11.58	14.87	28.4	21.30	25.06	17.7
Very large (50,001 +)	11.72	14.94	27.5	12.31	15.17	23.2	23.72	26.28	10.8
All systems	11.23	14.48	28.9	11.70	14.77	26.2	21.58	24.68	14.4

segment of the entertainment industry breaks through [with excessive violence, sex or abusive language] and competitors feel they have to match that with their own titillating action or excessive violence."

Levy cited one example—an episode of NBC's *St. Elsewhere* (canceled a year ago), where a doctor dropped his pants, mooned the camera with his bare behind and told another doctor to "kiss my ass." That, said Levy, "is a producer getting away with murder—the murder of the English language, and the murder of all these standards the networks say they have in place."

Levy's comments, he said, reflected his own feelings and not those of the Caucus

Jamie Kellner, president, Fox Broadcasting Co., said there is "a very fine line between what gets on the air and what does not. You try to be as responsible as you can, but let creative people have an outlet to demonstrate ideas. I doubt these kinds of things can be legislated or handled in a code. You need responsible executives looking at these issues at each stage of program development, from concept to broadcast."

Statements from both NBC and CBS reflected a similar view—that mechanisms already in place are adequate checks for what goes on the air. An executive at NBC, wishing to remain anonymous, acknowledged that in some instances, programs or segments have aired that perhaps should not have.

"There were two scenes in [last season's mini-series] *Favorite Son* that many people took exception to," the source said. "And *Sex Tapes* was disgusting, although much of the lurid behavior was referred to off-screen. The point is, we program well over a thousand hours of prime time programming each year and the vast majority airs without complaint. To us, this sounds like a call to other [media outlets] to get some standards in place."

Indeed, cable has largely gone unregulated in this area, either by the FCC or any sort of voluntary industry code. "They let films run the way they are made," unlike local broadcast stations that are required to edit sexually explicit scenes or language, or face FCC-imposed penalties.

Last week, however, cable executives were not clamoring to embrace Congress's proposed legislation any more than the broadcast networks were. "I'm not so sure an antitrust exemption is really necessary," said Henry Schleiff, chairman and chief executive officer of the broadcast and entertainment groups at Viacom International, which owns Showtime, The Movie Channel, MTV, Nickelodeon, and VH-1.

Ultimately, said Schleiff, "the viewer is the censor. They have guided us in the past and will guide us in the future." Viacom's cable networks do not have separate program standards departments, said Schleiff. "But viewer tastes and sensitivities are clearly factors in each program we produce, buy and schedule for air. We have a hearing every day before 92 million households."

Officials at NBC and ABC said they would take part in industry discussions if Congress specifically asked them to. A CBS spokesman said: "We don't oppose it



Good news. New prime time news shows of NBC and ABC did well in their first outings last week. On Wednesday night, NBC's *Yesterday, Today and Tomorrow* (above right) posted a 12 rating/23 share against reruns of *Wiseguy* on CBS (with a 7.1/14) and *China Beach* on ABC (8.2/16). The ratings performance was the best for an NBC prime time news series in 10 years. On Thursday, ABC's *Prime Time Live* (left) got a 10/18, compared to the last hour of a CBS movie, *Outback Bound* (11.7/21), and a rerun of NBC's *L.A. Law* (11.5/21). Both one-hour news shows posted strong increases over their lead-ins.

[the legislation], we just don't understand the need for it."

The CBS spokesman said the network's position had not changed since network vice president Beth Waxman Bressan testified before the House Judiciary Committee in May on the issue. At the time, Bressan said: "It would certainly be more difficult for an industry committee to deal with the myriad questions of taste and audience preferences than it would be for any industry member to do on its own."

But some producers took issue with the stand that the networks are doing enough. Jim McAdams, a producer with Universal Television, who served as executive producer of *The Equalizer*, said network efforts to deal with the violence issue have been "reactive and not totally responsible." Congress's approach, he said, ap-

pears "sensible...the key words being voluntary and producer participation."

McAdams questioned whether the entertainment industry was doing enough to "make a positive comment about how violence can be curtailed. And in a way, television has a sort of parental position in all this. It often says more to the kids than their parents say to them in a lifetime."

Other producers believe the current give and take between producers and networks on content issues works well. "You come to a pretty good compromise," said Zev Braun, executive producer of CBS's *Tour of Duty*. "My criteria has always been good taste. And if you can persuade the standards and practices people that certain scenes are there to get a point across and not for purposes of titillation, it's been my experience they will go along." —SM

GTE wins big in libel case against HSN

Charges of fraud by shopping service against phone company turned down; Florida jury says HSN executives must pay damages; HSN will appeal

Home Shopping Network and two of its executives were ordered to pay GTE Corp. \$100 million in damages in a libel case last week. Although legal experts said they expected the amount of the judgment to be lowered, the verdict followed other recent bad news for the company.

The libel judgment stemmed from an April 1987 news release in which the company said Florida subsidiaries of GTE had caused the company to lose 50% of its incoming phone calls in March 1987. Later that year, HSN filed a \$1.5 billion lawsuit against GTE, accusing it of misrepresenting equipment it sold to HSN and covering up phone problems that cost HSN more than \$500 million in revenue. GTE's counterclaim of libel was filed in November 1988.

After a six-week trial, a six-person jury assessed damages of \$20 million against HSN, and \$40 million apiece against HSN Chairman Roy Speer and President Lowell Paxson. The money is to be paid to two

Florida-based subsidiaries of the Stamford, Conn.-based GTE Corp. The Florida jury found that GTE and its subsidiaries were not guilty of HSN's charges of fraud.

First Amendment lawyer Floyd Abrams, of the law firm Cahill, Gordon & Reinde, said, "It seems unlikely that any significant part of [the libel award] will withstand review. It is also inherently incredible that a telephone company would lose \$100 million or \$50 million or \$1 million in revenue because a subscriber complains."

Though unspecified, the damage award appeared to have been punitive rather than compensatory in nature. GTE did not specify how much it sought in damages, or present evidence during the case to document any losses it might have suffered as a result of HSN's press release, a GTE spokesman said. "We had basically stated in our closing arguments that this was not a matter of money; this was a matter of integrity," he said.

"We are confident the verdict will be reversed on appeal and that HSN will prevail in a new trial on all of its claims," said Nando DiFilippo, HSN executive vice president and general counsel, in a statement. —GM

Playboy going PPV

Playboy Enterprises Inc. announced last Thursday it will discontinue The Playboy Channel premium cable service and convert it into Playboy At Night, a new pay-per-view service, starting Dec. 1. Christie Hefner, chairman and chief executive officer of Playboy Enterprises, also said *Playboy Late Night*, a weekly one-hour series, will be launched for the syndicated market in Europe.

Citing a decline in subscribers to approximately 400,000, Hefner singled out "low access, low customer satisfaction and low product support" as plaguing the channel over the last year. She said the service "peaked" at 750,000 subs in 1984. "We felt like it was time to get further involved with the action in the PPV arena. We have been encouraged and supported by MSO's to marry our vertical services to pay per view."

The Playboy Video Entertainment Group will fold its existing two-year-old Playboy On Demand PPV service and The Playboy Channel into Playboy At Night, when it becomes available to cable operators on Dec. 1. Dick Sowa, president of Playboy Video Entertainment Group, said that Playboy On Demand's growth in clearances over the last 18 months—from 12 to 75 cable operators—put the service "in front of 700,000 addressable households." Coming off the same satellite feed as The

Playboy Channel, On Demand offered the same programming as the premium cable channel on a nightly basis.

Playboy At Night will be priced at \$4.95 per day, and will air 10 hours daily, 8 p.m.-6 a.m. ET. A monthly service will be maintained on a permanent basis at a \$10 rate. Sowa says the company hopes to convert the 500 existing affiliates for The Playboy Channel (which originally launched in November 1982) to the "16 original programs and 16 original [R-rated] movies" that will be offered monthly on Playboy At Night. Other programming on the service will be culled from Playboy's video library.

Hefner placed the marketing and programming budget for the new PPV service at \$10 million, and Sowa later said startup costs are included in the figure, along with what he estimated as "minimal conversion costs."

Sowa announced that *Playboy Late Night* will be distributed overseas by Playboy Video Entertainment Group, and that "an agreement in principle" has been reached with "major networks" in Spain, Italy and France. The program is formatted as a weekly one-hour magazine (with 26 available episodes), in what Sowa said will give the international customer "flexibility" to insert their own pre-produced segments. He said more details will be released by mid-October.

DIC to introduce new syndicated kids' block

In addition to its 'Super Mario Brothers' show, company is now producing 'King Koopa' for Fox's KTTV L.A.; plan is to develop two more programs to form two-hour DIC-produced block

Competition for younger viewers is about to get even more intense as DIC Enterprises prepares to launch its own syndicated children's programming block.

DIC, which produces *The Super Mario Brothers Super Show*, based on the popular Nintendo video game characters, is also producing a companion show titled *King Koopa's Kool Kartoons*, also based on a Nintendo character, with plans for additional shows to follow.

Although *The Super Mario Brothers Super Show* has already been cleared throughout most of the country by Viacom, the companion show is being produced solely for Fox O&O KTTV(TV) Los Angeles. The two DIC-produced shows make up one hour of the scheduled two-hour block on the Los Angeles independent station, with the syndicated *Muppet Babies* starting off the block at 3 p.m., followed by *Alvin and the Chipmunks*. The *Mario Brothers* show is scheduled at 4 p.m., and the block concludes with the *Koopa* show, which will air classic cartoons along with live action segments.

The station is marketing the two-hour block as *King Koopa and the Fox Fun Club*, with a live-action *Koopa* character appearing numerous times throughout the block. Andy Heyward, president, DIC Enterprises, said the *Koopa* character will "be the glue that holds the two hours together."

Heyward said the decision to produce the block was made after Greg Nathanson, general manager, KTTV, approached Heyward with the idea to launch a children's pro-

gramming block to compete with Disney's upcoming two-hour block. KTTV is currently the top-ranked station in the market, and Nathanson said the DIC block is a measure being taken to retain that ranking.

The Disney block, made up of four Disney-produced shows (*Duck Tales*, *Chip 'N' Dale's Rescue Rangers*, *Tale Spin* and *Gummi Bears*), will begin airing as a block nationally in September 1990. *Duck Tales* and *Chip 'N' Dale's Rescue Rangers* will be paired this fall, with the other two shows joining them in fall 1990.

KTTV has been carrying *Duck Tales*, but starting this fall the station loses the show, one of its strongest afternoon performers, when it moves to KHJ-TV.

Heyward says marketing the *Koopa* show on a national basis is not aggressively being done now, "but it definitely has a life beyond

what we're doing now." Eventually, Heyward says the plan is to develop two more shows to go along with *Mario Brothers* and *Koopa*, forming a two-hour, DIC-produced block. But, he said, "We need some audience validation" before moving ahead.

Even without marketing the two DIC-produced shows, Heyward says individual deals have been made with KTN(TV) Minneapolis and WGBS-TV Philadelphia to deliver a "generic version" of the two DIC shows in the KTTV block, after the stations expressed interest in the project.

The *King Koopa and the Fox Fun Club* debuts Sept. 11, when children will be introduced to *Koopa*, who will emerge from a manhole cover in Hollywood and lead a band of his followers through the streets, eventually ending up at the KTTV studios, where he will take over a mock children's show in progress and claim the station is now KTV (*Koopa Television*).

Heyward says the wide appeal of the Nintendo game systems and characters make the prospects for both shows especially promising. He said that although many kids' shows appeal either to young boys, young girls, or to older children, the game and its characters appeal to all children as well as to teens. Nintendo estimates that by the end of this year there will be 19 million homes with the game system, representing 21% penetration of the country, or one out of five households.

In addition to the Disney and DIC kids' blocks, Fox is developing a kids' block for its stations, with the first half-hour expected to debut in 1990. Fox intends to use Saturday morning as a testing ground to determine which shows will be moved to the Monday through Friday afternoon block.

-SC

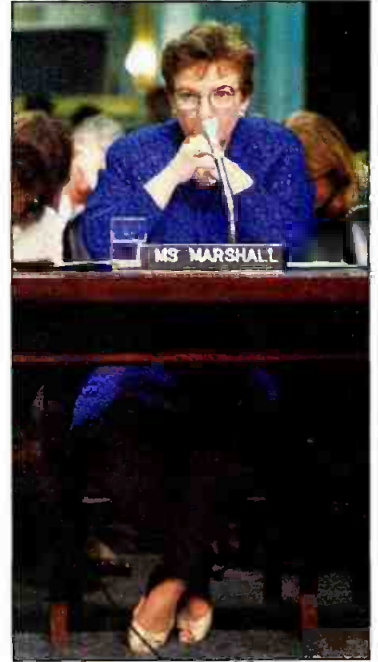
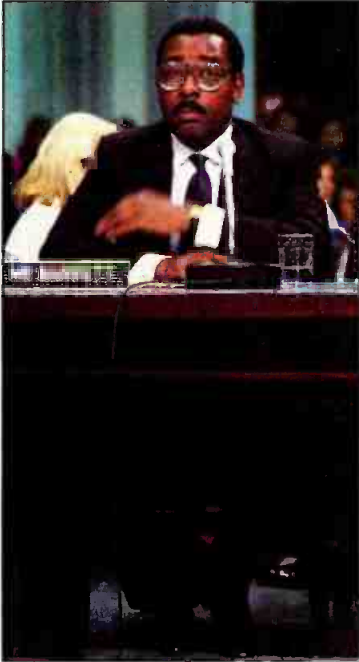


King Koopa

Broadcasting Aug 7

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TOP OF THE WEEK



Senatorial inquisition. It was a tense if not grueling Senate confirmation hearing for FCC nominees Andrew C. Barrett, Alfred Sikes and Sherrie Marshall, who were pressured by Commerce Committee Democrats to disavow the marketplace policies of the Reagan FCC. It seemed the most unsettling for Barrett (left), who committed the faux pas of the week when he suggested the members keep in mind that there is a "market" for indecent programing. There were some rocky moments for chairman-designate Sikes (on left at center) despite the backing of his long-time comrade, Missouri's senior senator, Republican John Danforth (on right at center). But it was Marshall (right) who drew kudos for her presentation and for her sidestepping of senatorial land mines. She was, as one Senate staffer said, "the star."

Congress asserts its dominion over FCC

Senate Commerce Committee lays down law to nominees; Hill priority is regulation of indecent, violent programing

Congress made itself clear last week: It makes policy, the FCC carries it out. That was the overriding message delivered at last week's Senate Commerce Committee confirmation hearing of FCC nominees Alfred Sikes (chairman), Andrew Barrett and Sherrie Marshall. The committee members were explicit in their desire to see the Sikes FCC tighten the reins on the industries they regulate. Commerce Committee Chairman Ernest Hollings (D-S.C.) summed it up: "You folks take an oath to regulate, not deregulate. I can't get that through your heads."

The Hollings frustration was directed primarily at FCC's that weren't there: the last two Republican administrations headed by Mark Fowler and Dennis Patrick. But he and his colleagues didn't hesitate to tar the new nominees with the same brush.

From the tenor of the hearing it was equally clear that lawmakers wanted the FCC to assign priority status to the regulation of indecent and violent programing. "I have long supported and continue to support the Bill of Rights," said Daniel Inouye (D-Hawaii) at the close of the hearing. But, "I must confess that there are times when my support is strained and I think now is the time, because as chairman of the Communications Subcommittee, I am well aware of the filth and garbage that America is almost required to view each day."

A panel representing anti-indecency groups and the religious

right testified against the Sikes nomination (BROADCASTING, July 31). They claimed the former head of the National Telecommunications and Information Administration would ignore their concerns about indecency.

"My problem with the nominee is that he will not address the decency issue," said Ed McAteer, president of the Religious Roundtable, Memphis. Sikes may be "technically qualified," said McAteer, but he appears to lack a commitment to deal with indecency matters. He was joined by Ray Moore of the Palmetto Family Caucus, Columbia, S.C., and Peggy Coleman, who testified on behalf of the American Family Association, whose executive director, Donald Wildmon, was ill and could not attend.

There were senators who also were troubled by the Sikes, Barrett and Marshall nominations, viewing them as an extension of the Dennis Patrick and Mark Fowler FCC's. That complaint was lodged by Senators Al Gore (D-Tenn.) and Jay Rockefeller (D-W.Va.), who voted against them in committee although 15 other Commerce Committee members approved the nominations.

Gore said he was sending a "signal. I do not think what the FCC has been doing is in the public interest." Gore, who launched into a tirade against the agency during the confirmation hearing, was especially vocal about the FCC's failure to clean up the airwaves.

"I believe the American people are sick and tired of what is going on. And I am not doing this for the effect of the words magnified in news coverage," said Gore.

Rockefeller did not attend the hearing, but said his vote was



FCC nominees Marshall, Sikes and Barrett face members of Senate Commerce Committee during confirmation hearing last week (l to r): Ted Stevens (R-Alaska), John Danforth (R-Mo.), Daniel Inouye (D-Hawaii), Ernest Hollings (D-S.C.), Wendell Ford (D-Ky.), Al Gore (D-Tenn.), John Kerry (D-Mass.) and John Breaux (D-La.).

“symbolic” of his dissatisfaction with the Reagan-Bush approach to deregulation. He told reporters that his concern about television violence and indecency was a factor in his action. “Television has not been very helpful to the younger generation of this country,” said the senator.

For more than two hours, Senate Commerce Committee members grilled the nominees, resulting in some tense moments, especially for Barrett, whose responses to several questions concerned some members. Barrett has been a commissioner with the Illinois Commerce Commission since 1980. When Inouye asked how the nominees would treat “indecent and

violent” programming, Barrett said he found both “offensive.”

But it was the statement that followed that raised some senators’ eyebrows. “It seems to me that what we perceive to be indecent is not on television because there is no market. There is a market for indecency out there and I think we ought to keep in mind that there is an America out there, otherwise they would not be showing it,” said Barrett.

Gore said he was “puzzled” by Barrett’s response. “I am not suggesting that I believe it ought to be on television,” said the FCC candidate. “I am simply suggesting that if there was not a market out there for

it, and if there was not viewership out there, I would suggest it would probably not be there. I find it as horrible as most people do.”

Later, another of Barrett’s remarks provoked Hollings. The senator asked the nominees if they were there to carry out their own policy or the policy of Congress. “I think I am there to carry out the policy of the Congress,” Sikes said. “I agree. You make the policy and we implement it,” Marshall replied.

But Barrett chose another course. “I would think that as long as the Congress’s policy is in the public interest, I certainly would agree with Mr. Sikes.”

“Now wait a minute,” said the chairman. “You just busted your breeches, man. You cannot come along with that answer. We cannot have an individual measure of the public policy,” scolded Hollings. Barrett quickly corrected himself: “I would think that any piece of legislation that comes out of either House here, Senator, would be in the public interest, and if that is the answer you are seeking my answer is yes, I would support that.”

Indecency was a primary issue for many on the Senate panel. Hollings was particularly critical of the FCC’s earlier indecency rule that created a safe harbor for the broadcast of indecent material between midnight and 6 a.m. Last fall, following President Reagan’s signing of an indecency law, the FCC unanimously adopted a new policy that prohibits “indecent” broadcasts 24 hours per day. But the policy and underlying law are being challenged in court and on Jan. 23 the U.S. Court of Appeals granted a stay request on the 24-hour ban.

“That ragamuffin commission that preceded you said: ‘Oh well, you can get obscene from midnight to 4 [sic] in the morning.’ Can you imagine grown people coming along with that nonsense? Garbage is garbage, regardless of the time of day,” argued Hollings.

Chilling tape. Senator Albert Gore (D-Tenn.), in decrying sex and violence on the airwaves at last week’s confirmation hearing, said a Nashville radio station had in an “entertainment” program aired a tape of a Phoenix man stabbing to death his wife and young stepdaughter, who had left her tape recorder running. An aide to Gore later identified the station as Jacor Broadcasting’s WYHY(FM) Lebanon, Tenn. (Nashville) and said the broadcast occurred a few weeks ago (the man was convicted of murder on June 21). When asked by BROADCASTING about the incident, Mike Kenney, general manager of the station, said the tape was aired as part of a morning newscast, not as entertainment. Kenney also noted that WYHY was not the first to air the tape. A spokesman for Fox Television’s *A Current Affair* confirmed that the program had aired a “few seconds” of it on July 17.

Revisionist. Senator Ernest F. Hollings (D-S.C.) offered his own version of telecommunications history during the confirmation hearing on President Bush’s three FCC nominations last week. Speaking of the need for regulation that technology has generated, the chairman of the Senate Commerce Committee referred to “the historic case of William Paley on top of the Wanamaker building at the sinking of the Lusitania.” Paley, he said, used his wireless to help in the rescue of survivors.

Historians recall things differently: It was the young David Sarnoff, later the head of RCA, who over 72 hours in April 1912 used a wireless to relay word of the sinking of the Titanic. Paley, who was to establish CBS, was 14 years old when a German submarine fired the torpedo that sank the British liner, the Lusitania, on May 7, 1915, and helped precipitate America’s entry into World War I.

But Hollings did get one thing right: Sarnoff performed his historic mission in a radio station established by John Wanamaker atop his Manhattan department store.

Sikes indicated that industry self-regulation is one way to deal with violence and indecent programming. Said Sikes: "When I first became a broadcaster in the late 1970's there was something called the NAB Code, and as a broadcaster I subscribed to that code and it set, I think, rather high standards. I would once again like to see the broadcasters have an opportunity, without fear of action against them under an anti-trust theory, to come together and set higher standards."

Marshall's answer was exactly what the lawmakers wanted to hear. Marshall is with the Washington law firm of Wiley, Rein & Fielding. "Mr. Chairman, I am committed to a vigorous enforcement of the congressional ban on broadcasting indecent programming. I think that the regulations are justified in this area because of the pervasiveness of the media and because of the unique accessibility of children to the programming."

Moreover, Marshall's stand on children's television was apt to please the senators. She feels broadcasters must be responsive to the needs of children. And she said she thought the FCC made a "mistake" in lifting the limits on advertising during children's shows.

Marshall, who served at the FCC under Patrick for a year as director of the office of legislative affairs, was queried by Gore about her role there. She was quick to point out that she came in after the FCC's decision to abolish the fairness doctrine, which drew laughter from the room. She said she came on as the "resident pragmatist" to see if she could improve the agency's relationship with Congress.

"I unfortunately underestimated just how bad the relations were and the damage that the fairness doctrine had done. I think the one thing I accomplished when I was there was that we did not surprise you anymore."

But Gore wanted to know if Marshall shared Patrick's philosophical view of the FCC's role. She told the panel that she supported pro-competitive policies because they can benefit consumers. But she emphasized that such policies have to be feasible and effective and benefit consumers. "If they cannot do that, then we need to have full and effective and fair regulation," she said.

Marshall did, however, indicate that she felt fairness "raises some strong constitutional questions," but if it is re-enacted she will enforce it. Sikes made it clear that he opposed the doctrine. He feels it inhibits broadcasters and creates confusion.

Barrett, on the other hand, was in sync with Hollings on this matter. Had he been at the commission, he said he would not have supported abolition.

The members kept coming back to programming content issues. Inouye wanted to know if they would permit broadcasts of so-called "snuff films"—pornographic films that include an actual murder. Barrett said he did not think so. Sikes replied that he did not know what the law said specifically in that case.

Inouye, however, was not willing to accept Sikes's answer and pursued it further.

"When a photographer is caught with a snuff film, he is put in jail. But you would permit that?" asked the senator.

Sikes apologized for "being a little slow on the uptake." He stressed that it was his "hope it would not be permitted."

In elaborating further on his position on indecency, Sikes told the senators that as a broadcaster who operated a rock-formatted radio station, he directed his manager to remove vulgar lyrics, a responsibility he felt he owed to the public as a broadcaster holding a public license.

"As a father, I specifically did not take that tier of cable television that included HBO and MTV, when it was first offered to me in Springfield, Mo. I felt that my daughters, all of whom were in their early to mid-teens, should not be exposed to

that."

Sensing that he may have alarmed committee members, Barrett later sent a letter to Hollings clarifying his comments. "There is no question that preventing obscene and indecent broadcasts is a critical function of the FCC," wrote Barrett. He pledged to do "everything in my power under the law to ensure that licensees across the nation broadcast programs that comport with the highest moral standards of our society."

Other issues did crop up. The FCC nominees were asked to reveal their views on cable television, high-definition television and whether or not the Bell operating companies should be liberated to become a provider of information services.

Sikes said he did not favor lifting all the restrictions but is on record at NTIA sup-

Swan song



Howard Landau, the soon-to-retire head of the FCC audio-video operation, tweaked FCC Chairman Dennis Patrick at the start of last Thursday's commission meeting—Patrick's last after six years as a commissioner and two as chairman—by piping in Frank Sinatra's "My Way."

"That bit of audio levity," as Patrick called it, set the stage for Patrick's formal goodbye to the agency in which he praised his fellow commissioners and agency staff for their contributions during his two years at the helm. "I believe together we have accomplished a great deal...in terms of promoting First Amendment values, freedom of contract, technological advances in broadcasting and telecommunications, market entry and competition—those values by which we act and live."

To a great extent, Patrick did do it his way. But, on occasion, his regulatory (or deregulatory) ambitions were foiled by Commissioners James Quello and Patricia Diaz Dennis, whose power was magnified by being the only two other votes through much of Patrick's chairmanship. The commission normally has five members.

Patrick called Quello a "mentor," but then quipped, "He has kept my fat out of the fire several times, and several times he has actually thrown it into the fire. But I guess it was a learning experience."

Patrick, whose personal relationship with Dennis has been strained, acknowledged they have disagreed at times, but said "we have agreed on the vast majority of items and I think the result...has been very, very positive."

Quello said he supported Patrick 95% of the time on agenda items. Nonetheless, he said, "I'm with you 100% personally, socially and you have my very best wishes for continued success in a very promising future."

Dennis's comments reflected an ambivalence about working with Patrick. "I feel a little bit like buddies who have been in battle together," she said. "Oftentimes, we have been in the same foxhole...and some think we probably shot across each other while we were in it, but for the most part we were battling others....I think at some point we sit back and swap war stories and look back with a lot more fondness perhaps than time allows us now."

porting some relaxation. "I think it is very hard to [say]...what particular companies can do and cannot do in an area that is changing rapidly," explained Sikes.

Barrett said his state supports lifting some of the prohibitions, but he wants to move slowly on the matter. Marshall suggested that Congress give the FCC some "guidance."

Senator John Kerry (D-Mass.) expressed an interest in how the FCC might deal with the migration of sports programming from over-the-air television to cable. Sikes told Kerry there was not "much precedent for dictating to programmers how they are to distribute their programming." But he promised to track siphoning developments.

Gore wanted to know what they would do about cable and its "monopoly" power. "I share your concerns about the monopoly power. I would like to study it carefully," replied Marshall. "I hear you, Senator," said Barrett. "We have the same problems in Chicago. I think, that you have stated."

Sikes said he intended to carry out the 1984 Cable Act, which directs the FCC to evaluate the impact of deregulation.

All three candidates were responsive to Hollings's desire to see the U.S. compete with the Japanese in the area of HDTV. "We need a single standard for terrestrial broadcasting, and you are the ones to work that out and position the United States so that we can be in a competitive position

with Japan," the chairman said.

Marshall said she believed the FCC, Congress and the executive branch should work together to ensure that "U.S. industry is a leader in the development of HDTV."

The nominees came politically prepared. Sikes was introduced by his long-time friend, Commerce's ranking Republican, John Danforth of Missouri, and by the state's other Republican senator, Kit Bond. Senator Paul Simon (D-Ill.) presented Barrett, and Marshall was endorsed by North Carolina Senators Jesse Helms (Republican) and Terry Sanford (Democrat).

It was expected that the Senate would confirm the nominees late Friday night (Aug. 4) before its August recess. —KM

GAO on cable: rates OK, but industry needs regulation

At hearing on Hill, Ols says study shows 14% overall subscriber bill increase over two years; statement that medium is monopoly causes furor among NCTA, some congressmen

It was a good-news, bad-news situation for the cable industry last week when the General Accounting Office released its long-awaited survey on rates before the House Telecommunications Subcommittee.

The good news: The GAO statistics did not provide the ammunition cable critics on Capitol Hill and elsewhere might have hoped for to press their case for reregulating cable or opening it up to competition from the telephone industry. The study showed a 29% increase in basic cable rates over two years and a 14% increase in the overall average subscriber bill.

The bad news: Asked what it all means, the GAO official who presented the study said it showed cable was a monopoly in need of reregulation. "With no competition and limited regulation, I believe we have a monopoly."

And when asked by House Telecommunications Subcommittee Chairman Ed Markey (D-Mass.) about the findings' impact on consumers, GAO's John Ols, asso-

ciate director for resources, community and economic development, said it was "bad news."

Ols's comments changed the tenor of the hearing. If it were not for his remarks, the hearing would have been a "ho-hummer," said one cable source. National Cable Television Association officials set out to minimize any fallout from Ols's assessment by challenging his authority to speak on behalf of the GAO. "I think the guy went beyond his commission," said NCTA President James Mooney, who also said he thought it was highly unusual for a GAO representative to issue opinions on policy.

NCTA's effort to undercut Ols commenced immediately. During a hearing break, it apparently conferred with Don Ritter (R-Pa.) and Dan Schaefer (R-Colo.), who returned to scold Ols for speaking out of school. "How you can draw the conclusion that there is a need for rate regulation is beyond me," said Ritter.

Schaefer, whose district is home to several cable MSO's, wanted to know why Ols did not include his comment as part of the written report. The GAO executive said he was under tight time constraints and could not, but that in anticipation of the question, he had cleared his answer with the agency's

general counsel. "The GAO backs me; I talked with the general counsel," Ols told reporters upon leaving the hearing.

Later, BROADCASTING talked with GAO spokesman Cleve Corlett, who said Ols "obviously speaks for the GAO." NCTA also said Ols was quoted in *Newsday* saying he was "mad because his cable operator raised his rates."

And Milton Socolar, special assistant to the comptroller general, told BROADCASTING that Ols "certainly represents GAO in an official capacity," but that he gave his "personal view." Nevertheless, Socolar did not consider Ols's remarks "off the wall" and said, "This is an area that bears looking at."

Despite the uproar over whether Ols was out of line, one cable source felt the hearing was "inconclusive." As Markey pointed out, there are still some outstanding questions, and he has asked GAO for a second study.

Markey wants some answers. It is uncertain, he said, whether the rate increases over the past two years were one-time adjustments or reflect a continuing trend. "It is unclear what role increased capital costs, increased programming costs and increased advertising revenues have played." Plus,

GAO cable TV tally

The bottom line on the General Accounting Office's survey of cable system's rate hikes was that the "lowest priced" basic service rose 29% over a 23-month period (Dec. 1, 1986-Oct. 31, 1988). But there was plenty above the line for cable and its critics to ponder.

The survey also found that rates for the "most popular" basic service jumped 26%. The GAO distinguished two classes of basic service because a quarter of the systems surveyed offered more than one tier of basic, and the lower priced service on those systems was not always the most popular.

The survey's other key finding was that revenue per subscriber—

which, the GAO said, is "roughly analogous" to a subscriber's monthly bill—increased just 14%, from \$21.58 to \$24.68. The revenue per subscriber did not rise as fast as basic rates because it factors in the price of pay services and other services (second-set hookups and remote control). The survey found that pay services actually dropped slightly, with no individual or combination of pay decreasing by more than 5%.

The GAO sent questionnaires to 1,950 randomly selected cable systems in five size groupings (see chart). After several follow-ups, the GAO compiled responses from 1,450.

Cable system	Lowest priced basic service (average charge/sub.)			Most popular basic service (average charge/sub.)			Average monthly revenue		
	1986	1988	% change	1986	1988	% change	1986	1988	% change
Very small (up to 1,000)	\$11.07	\$13.72	23.9	\$11.30	\$13.91	23.1	\$17.61	\$20.1	14.1
Small (1,001–3,500)	10.91	13.86	27.0	11.20	14.16	26.4	18.26	21.46	17.5
Medium (3,501–10,000)	10.65	14.01	31.5	10.96	14.10	28.6	19.03	22.32	17.3
Large (10,001–50,000)	11.13	14.53	30.5	11.58	14.87	28.4	21.30	25.06	17.7
Very large (50,001 +)	11.72	14.94	27.5	12.31	15.17	23.2	23.72	26.28	10.8
All systems	11.23	14.48	28.9	11.70	14.77	26.2	21.58	24.68	14.4



GAO's Ols testifies

Chairman Markey confers with
Continental Cablevision's Hostetter

NCTA's Mooney testifies

he added, it was uncertain whether rate increases were linked to the increasing number of systems that have changed ownership over the past two years.

As for the study itself, Markey cited several "worrisome statistics." He was troubled by the finding that 17.6% of cable subscribers incurred a rate increase of more than 50%, "with more than one in four cable subscribers incurring a more than 40% rate increase."

But he also made it clear that the results were not "uniformly gloomy." It appears, he said, that a majority of cable operators have been "responsible and fair in establishing basic cable rates in the years since deregulation."

NCTA's Mooney told lawmakers that cable subscribers are getting "a lot more for their money than was the case even three years ago." GAO, he said, says the average number of basic channels rose from 27 in 1986 to 32 by the end of 1988. "And, in terms of cost to the consumer per channel, the GAO numbers say that cost to the consumer has stayed almost flat, going from 44 cents per channel in 1986 to 46 cents per channel in 1988."

Prior to deregulation, cable prices ran 72% behind the consumer price index, Mooney said, noting that even now the average basic rate "is still \$1.77 below what the 1972 basic rate would be today if it simply had kept pace with inflation."

There has also been a "dramatic" improvement in cable programming, said Mooney. "This is a direct result of a 66% increase in basic programming expenditures by operators" over the past two years, he said.

"Basic cable remains a good buy for the average family—32 channels of service for \$14.77 a month, about 50 cents a day and less than it costs to take the family out to the movies for just one evening," stated the NCTA president.

Amos B. Hostetter, chairman and chief executive officer of Continental Cablevision, a Boston-based MSO, summed up his testimony by stressing that the GAO study clearly shows that the average subscriber's bill rose 14%. "That to me is not justification for a return to regulation."

Richard Plunkett, president of Fairmont Cable, Fairmont, Minn., spoke on behalf of

the Community Antenna Television Association. Plunkett characterized the GAO's findings as "fair and accurate."

Cable critics Rick Boucher (D-Va.) and Jim Cooper (D-Tenn.) cited problems with the report. Boucher was troubled by the response rate. He felt the 25% of systems that did not respond were likely to have raised their rates far higher than the reporting systems. Cooper complained about the "secrecy" involved. "Cable rates should be public. How can we check the honesty of the response?" he asked.

Eighteen of the subcommittee's 26 members were in and out of the hearing. Some vented their frustrations with cable. Ron Wyden (D-Ore.) wants to do something about the trafficking in cable systems. (Hostetter told Markey he thought it was "appropriate" to look at the trafficking issue.)

Tom Tauke (R-Iowa) called on the subcommittee to look at the issue of sports events migrating from over-the-air television to cable. "Cable, walks, quacks and looks like a monopoly," said Al Swift (D-Wash.).

But there were also those members who defended cable. Thomas Bliley (R-Va.)

said he has heard no complaints from his constituency over rates. Oxley said it was his sense that subscribers are satisfied. Bill Richardson (D-N.M.) said he did not see the evidence that cable is a monopoly.

The hearing also gave city officials and cable regulators an opportunity to discuss the survey. Richard Kessel, New York State Consumer Protection Board, said cable television deregulation has "been a disaster" for consumers. Fort Worth Mayor Robert Bolen, on behalf of the U.S. Conference of Mayors, said the GAO study demonstrates what cities have argued all along: "Cable operators are using their monopolistic powers to unfairly charge consumers." Steve Abrams, council member from Rockville, Md., representing the National League of Cities, recommended an "overhaul and rewrite" of the Cable Act. And Peter Pratt, director of telecommunications, Somerville, Mass., who appeared for the National Association of Telecommunications Officers and Advisors, told the subcommittee that the eight communities north of Boston served by Warner Cable have seen average subscriber increases of 81% since 1983, an annualized increase of 13%. —KM

News service planned by Conus, Viacom

Hubbard Broadcasting's Conus Communications and Viacom Network Enterprises announced plans last week to launch a 24-hour news service for TVRO subscribers that will also be available to local broadcasters. The 50-50 joint venture will be based in Minneapolis and provide sports, weather and domestic and international news patterned after an all-news radio wheel. VNE President Ron Bernard said the 30-minute wheels will be repeated six times a day. The network will be taped and fed over Satcom 2R, but Bernard said it will have the capability for live cut-ins, or more frequent updates of material, when needed.

The service is scheduled to be launched in November and will be available free to TVRO subscribers. By January, the signal

will be scrambled and available to TVRO subscribers for an as yet unannounced fee. Bernard said the service will be part of Showtime's TVRO package and the price would be competitive. The service will also be available to TVRO homes on a stand-alone basis. Broadcasters will be able to purchase the service in part or in whole, with independent stations among likely candidates, said Bernard. No cost structure was released.

Bernard declined to discuss budgets, although he said the operation would employ 35 to 40 people. Conus will maintain editorial control over the service, he said. Bernard said costs will be borne equally. He said it has not been determined who will handle advertising sales. □

Mixed reactions to violence standards plan

Networks oppose congressional idea of industry guidelines on programing; some producers think the idea is one whose time has come

Reacting to efforts by Congress to get the entertainment industry to develop a set of guidelines addressing violence, and possibly sex and drug abuse in TV programing (see page 69), broadcast and cable network executives questioned the need for such guidelines, citing the separate policies they have in place.

Some producers agreed that current stan-

dards, and the give and take between program producers and networks, provide adequate checks and balances for what gets on the air. However, other producers applauded Congress's attempt to force the industry to address an issue which some see as a growing public concern.

At ABC, a company spokeswoman said the network felt "the legislation is not necessary." The proposed legislation would partially exempt networks and producers from antitrust laws, to the extent that they would be allowed to meet and try to develop guidelines concerning the portrayal of

violence, and possibly sex and drug abuse, on television.

"We have effective standards in this area that operate very well," said the ABC spokeswoman, outlining the network's position. "We don't feel an antitrust exemption is either necessary or desirable."

David Levy, a Hollywood producer-writer, and executive director of the Caucus for Producers, Writers and Directors, disagreed. Speaking of networks generally, he said, "they may have mechanisms in place, but they do not deal with these issues adequately. The problem is," he said, "one

State of the Network Economy

(Add 000)

	Prime Time	Late Night	A.M.	Daytime	Children	Sports	News	Total
Revenue from client-supplied programing								
Second quarter '88	\$11,334	\$0	\$0	\$0	\$0	\$3,490	\$0	\$14.824
Second quarter '89	5,832	0	0	0	0	9,235	0	15.067
% change	-48.54	NA	NA	NA	NA	164.61	NA	1.64
All other gross revenue from time sales								
Second quarter '88	1,042,250	110,763	61,802	302,389	38,469	276,904	200,869	2,033,446*
Second quarter '89	1,180,182	120,757	66,384	259,047	36,438	261,305	215,269	2,139,382*
% change	13.23	9.02	7.41	-14.33	-5.28	-5.63	7.17	5.21
Total gross revenue from time sales								
Second quarter '88	1,053,584	110,763	61,802	302,389	38,469	280,394	200,869	2,048,270
Second quarter '89	1,186,014	120,757	66,384	259,047	36,438	270,540	215,269	2,154,449
% change	12.57	9.02	7.41	-14.33	-5.28	-3.51	7.17	5.18
Less advertising agency commissions								
Second quarter '88	158,000	16,614	9,272	45,353	5,770	41,331	30,131	306,471
Second quarter '89	177,902	18,113	9,958	38,857	5,466	40,092	32,291	322,679
% change	12.60	9.02	7.40	-14.32	-5.27	-3.00	7.17	5.29
Total net revenue from time sales								
Second quarter '88	895,584	94,149	52,530	257,036	32,699	239,063	170,738	1,741,799
Second quarter '89	1,008,112	102,644	56,426	220,190	30,972	230,448	182,978	1,831,770**
% change	12.56	9.02	7.42	-14.33	-5.28	-3.60	7.17	5.17

*Does not include color insertion revenues.

**Includes no political parties/candidates revenues for the 1989 second quarter.

Advertising dollars continued their recent shifts among dayparts in the just-finished second quarter, while the overall three-network market was up 5% to \$1,831,770,000. According to data provided to BROADCASTING by the Broadcast Financial Management Association, daytime saw further advertising erosion, while prime, news and late night were up. The second-quarter data, compiled by Arthur Young & Co. from unaudited submissions by ABC, CBS and NBC, is roughly comparable to last year's second quarter, which had no Olympics programing and only \$205,000 of political advertising.

Underlying market strength, in both the upfront and scatter markets, accounted for much of prime's sizable 12.6% increase to just over \$1 billion. The daypart's revenue boost got added help, however, from some special factors, such as ABC's broadcast of *War and Remembrance*, the fact that more original programing ran, with higher ratings, in the second quarter due to the writers' strike, and the fewer

hours of prime time inventory preempted by National Basketball Association playoffs and finals than was the case in the prior year's quarter.

The latter cause conversely contributed to a decline in sports revenue, which fell 3.6% to \$230.4 million, after strong double-digit gains in the second quarter of the prior two years.

Daytime revenue fell 14.3% to \$220.2 million, according to the BFM data. Although the scatter advertising marketplace was reported to have been strong, audience fall-off in the daypart limited the amount of inventory, after makegoods, that the networks had left for sale.

Since a good portion of the second-quarter revenue was determined more than a year ago in the upfront marketplace, certain dayparts were still being affected by the transition to the peoplemeter. One network executive cited children's, off 5.3% to \$30.9 million, as an example.

-GF

segment of the entertainment industry breaks through [with excessive violence, sex or abusive language] and competitors feel they have to match that with their own titillating action or excessive violence."

Levy cited one example—an episode of NBC's *St. Elsewhere* (canceled a year ago), where a doctor dropped his pants, mooned the camera with his bare behind and told another doctor to "kiss my ass." That, said Levy, "is a producer getting away with murder—the murder of the English language, and the murder of all these standards the networks say they have in place."

Levy's comments, he said, reflected his own feelings and not those of the Caucus. Jamie Kellner, president, Fox Broadcasting Co., said there is "a very fine line between what gets on the air and what does not. You try to be as responsible as you can, but let creative people have an outlet to demonstrate ideas. I doubt these kinds of things can be legislated or handled in a code. You need responsible executives looking at these issues at each stage of program development, from concept to broadcast."

Statements from both NBC and CBS reflected a similar view—that mechanisms already in place are adequate checks for what goes on the air. An executive at NBC, wishing to remain anonymous, acknowledged that in some instances, programs or segments have aired that perhaps should not have.

"There were two scenes in [last season's mini-series] *Favorite Son* that many people took exception to," the source said. "And *Sex Tapes* was disgusting, although much of the lurid behavior was referred to off-screen. The point is, we program well over a thousand hours of prime time programming each year and the vast majority airs without complaint. To us, this sounds like a call to other [media outlets] to get some standards in place."

Indeed, cable has largely gone unregulated in this area, either by the FCC or any sort of voluntary industry code. "They let films run the way they are made," unlike local broadcast stations that are required to edit sexually explicit scenes or language, or face FCC-imposed penalties.

Last week, however, cable executives were not clamoring to embrace Congress's proposed legislation any more than the broadcast networks were. "I'm not so sure an antitrust exemption is really necessary," said Henry Schleiff, chairman and chief executive officer of the broadcast and entertainment groups at Viacom International, which owns Showtime, The Movie Channel, MTV, Nickelodeon, and VH-1.

Ultimately, said Schleiff, "the viewer is the censor. They have guided us in the past and will guide us in the future." Viacom's cable networks do not have separate program standards departments, said Schleiff. "But viewer tastes and sensitivities are clearly factors in each program we produce, buy and schedule for air. We have a hearing every day before 92 million households."

Officials at NBC and ABC said they would take part in industry discussions if Congress specifically asked them to. A CBS spokesman said: "We don't oppose it



Good news. New prime time news shows of NBC and ABC did well in their first outings last week. On Wednesday night, NBC's *Yesterday, Today and Tomorrow* (above right) posted a 12 rating/23 share against reruns of *Wiseguy* on CBS (with a 7.1/14) and *China Beach* on ABC (8.2/16). The ratings performance was the best for an NBC prime time news series in 10 years. On Thursday, ABC's *Prime Time Live* (left) got a 10/18, compared to the last hour of a CBS movie, *Outback Bound* (11.7/21), and a rerun of NBC's *L.A. Law* (11.5/21). Both one-hour news shows posted strong increases over their lead-ins.

[the legislation], we just don't understand the need for it."

The CBS spokesman said the network's position had not changed since network vice president Beth Waxman Bressan testified before the House Judiciary Committee in May on the issue. At the time, Bressan said: "It would certainly be more difficult for an industry committee to deal with the myriad questions of taste and audience preferences than it would be for any industry member to do on its own."

But some producers took issue with the stand that the networks are doing enough. Jim McAdams, a producer with Universal Television, who served as executive producer of *The Equalizer*, said network efforts to deal with the violence issue have been "reactive and not totally responsible." Congress's approach, he said, ap-

pears "sensible...the key words being voluntary and producer participation."

McAdams questioned whether the entertainment industry was doing enough to "make a positive comment about how violence can be curtailed. And in a way, television has a sort of parental position in all this. It often says more to the kids than their parents say to them in a lifetime."

Other producers believe the current give and take between producers and networks on content issues works well. "You come to a pretty good compromise," said Zev Braun, executive producer of CBS's *Tour of Duty*. "My criteria has always been good taste. And if you can persuade the standards and practices people that certain scenes are there to get a point across and not for purposes of titillation, it's been my experience they will go along." —SM

GTE wins big in libel case against HSN

Charges of fraud by shopping service against phone company turned down; Florida jury says HSN executives must pay damages; HSN will appeal

Home Shopping Network and two of its executives were ordered to pay GTE Corp. \$100 million in damages in a libel case last week. Although legal experts said they expected the amount of the judgment to be lowered, the verdict followed other recent bad news for the company.

The libel judgment stemmed from an April 1987 news release in which the company said Florida subsidiaries of GTE had caused the company to lose 50% of its incoming phone calls in March 1987. Later that year, HSN filed a \$1.5 billion lawsuit against GTE, accusing it of misrepresenting equipment it sold to HSN and covering up phone problems that cost HSN more than \$500 million in revenue. GTE's counterclaim of libel was filed in November 1988.

After a six-week trial, a six-person jury assessed damages of \$20 million against HSN, and \$40 million apiece against HSN Chairman Roy Speer and President Lowell Paxson. The money is to be paid to two

Florida-based subsidiaries of the Stamford, Conn.-based GTE Corp. The Florida jury found that GTE and its subsidiaries were not guilty of HSN's charges of fraud.

First Amendment lawyer Floyd Abrams, of the law firm Cahill, Gordon & Reinde, said, "It seems unlikely that any significant part of [the libel award] will withstand review. It is also inherently incredible that a telephone company would lose \$100 million or \$50 million or \$1 million in revenue because a subscriber complains."

Though unspecified, the damage award appeared to have been punitive rather than compensatory in nature. GTE did not specify how much it sought in damages, or present evidence during the case to document any losses it might have suffered as a result of HSN's press release, a GTE spokesman said. "We had basically stated in our closing arguments that this was not a matter of money; this was a matter of integrity," he said.

"We are confident the verdict will be reversed on appeal and that HSN will prevail in a new trial on all of its claims," said Nando DiFilippo, HSN executive vice president and general counsel, in a statement. —GM

Playboy going PPV

Playboy Enterprises Inc. announced last Thursday it will discontinue The Playboy Channel premium cable service and convert it into Playboy At Night, a new pay-per-view service, starting Dec. 1. Christie Hefner, chairman and chief executive officer of Playboy Enterprises, also said *Playboy Late Night*, a weekly one-hour series, will be launched for the syndicated market in Europe.

Citing a decline in subscribers to approximately 400,000, Hefner singled out "low access, low customer satisfaction and low product support" as plaguing the channel over the last year. She said the service "peaked" at 750,000 subs in 1984. "We felt like it was time to get further involved with the action in the PPV arena. We have been encouraged and supported by MSO's to marry our vertical services to pay per view."

The Playboy Video Entertainment Group will fold its existing two-year-old Playboy On Demand PPV service and The Playboy Channel into Playboy At Night, when it becomes available to cable operators on Dec. 1. Dick Sowa, president of Playboy Video Entertainment Group, said that Playboy On Demand's growth in clearances over the last 18 months—from 12 to 75 cable operators—put the service "in front of 700,000 addressable households." Coming off the same satellite feed as The

Playboy Channel, On Demand offered the same programming as the premium cable channel on a nightly basis.

Playboy At Night will be priced at \$4.95 per day, and will air 10 hours daily, 8 p.m.-6 a.m. ET. A monthly service will be maintained on a permanent basis at a \$10 rate. Sowa says the company hopes to convert the 500 existing affiliates for The Playboy Channel (which originally launched in November 1982) to the "16 original programs and 16 original [R-rated] movies" that will be offered monthly on Playboy At Night. Other programming on the service will be culled from Playboy's video library.

Hefner placed the marketing and programming budget for the new PPV service at \$10 million, and Sowa later said startup costs are included in the figure, along with what he estimated as "minimal conversion costs."

Sowa announced that *Playboy Late Night* will be distributed overseas by Playboy Video Entertainment Group, and that "an agreement in principle" has been reached with "major networks" in Spain, Italy and France. The program is formatted as a weekly one-hour magazine (with 26 available episodes), in what Sowa said will give the international customer "flexibility" to insert their own pre-produced segments. He said more details will be released by mid-October.

DIC to introduce new syndicated kids' block

In addition to its 'Super Mario Brothers' show, company is now producing 'King Koopa' for Fox's KTTV L.A.; plan is to develop two more programs to form two-hour DIC-produced block

Competition for younger viewers is about to get even more intense as DIC Enterprises prepares to launch its own syndicated children's programming block.

DIC, which produces *The Super Mario Brothers Super Show*, based on the popular Nintendo video game characters, is also producing a companion show titled *King Koopa's Kool Kartoons*, also based on a Nintendo character, with plans for additional shows to follow.

Although *The Super Mario Brothers Super Show* has already been cleared throughout most of the country by Viacom, the companion show is being produced solely for Fox O&O KTTV(TV) Los Angeles. The two DIC-produced shows make up one hour of the scheduled two-hour block on the Los Angeles independent station, with the syndicated *Muppet Babies* starting off the block at 3 p.m., followed by *Alvin and the Chipmunks*. The *Mario Brothers* show is scheduled at 4 p.m., and the block concludes with the *Koopa* show, which will air classic cartoons along with live action segments.

The station is marketing the two-hour block as *King Koopa and the Fox Fun Club*, with a live-action *Koopa* character appearing numerous times throughout the block. Andy Heyward, president, DIC Enterprises, said the *Koopa* character will "be the glue that holds the two hours together."

Heyward said the decision to produce the block was made after Greg Nathanson, general manager, KTTV, approached Heyward with the idea to launch a children's pro-

gramming block to compete with Disney's upcoming two-hour block. KTTV is currently the top-ranked station in the market, and Nathanson said the DIC block is a measure being taken to retain that ranking.

The Disney block, made up of four Disney-produced shows (*Duck Tales*, *Chip 'N' Dale's Rescue Rangers*, *Tale Spin* and *Gummi Bears*), will begin airing as a block nationally in September 1990. *Duck Tales* and *Chip 'N' Dale's Rescue Rangers* will be paired this fall, with the other two shows joining them in fall 1990.

KTTV has been carrying *Duck Tales*, but starting this fall the station loses the show, one of its strongest afternoon performers, when it moves to KHJ-TV.

Heyward says marketing the *Koopa* show on a national basis is not aggressively being done now, "but it definitely has a life beyond

what we're doing now." Eventually, Heyward says the plan is to develop two more shows to go along with *Mario Brothers* and *Koopa*, forming a two-hour, DIC-produced block. But, he said, "We need some audience validation" before moving ahead.

Even without marketing the two DIC-produced shows, Heyward says individual deals have been made with KITT(TV) Minneapolis and WGBS-TV Philadelphia to deliver a "generic version" of the two DIC shows in the KTTV block, after the stations expressed interest in the project.

The *King Koopa and the Fox Fun Club* debuts Sept. 11, when children will be introduced to *Koopa*, who will emerge from a manhole cover in Hollywood and lead a band of his followers through the streets, eventually ending up at the KTTV studios, where he will take over a mock children's show in progress and claim the station is now KTV (*Koopa Television*).

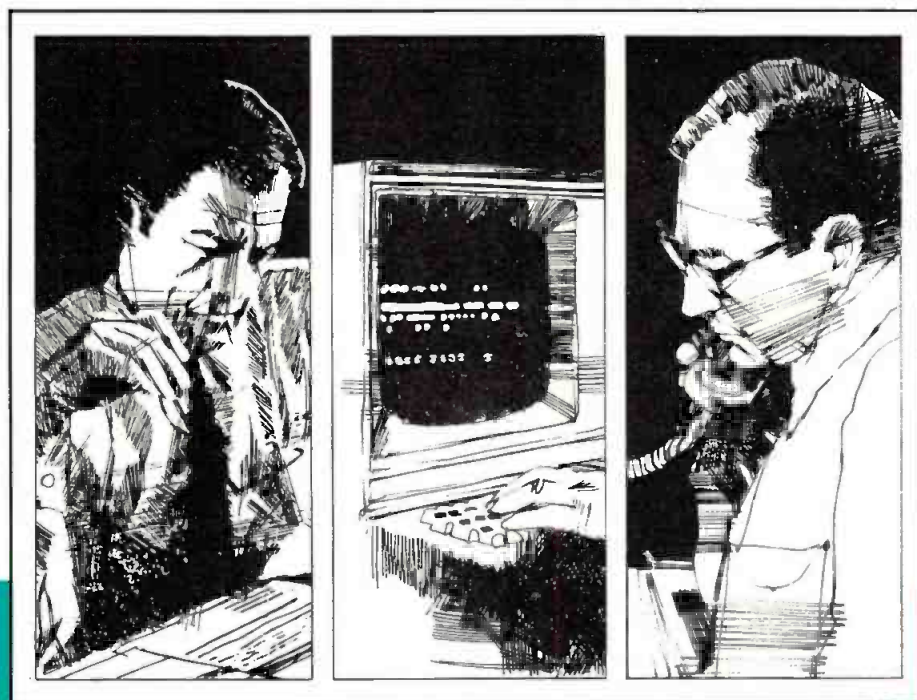
Heyward says the wide appeal of the Nintendo game systems and characters make the prospects for both shows especially promising. He said that although many kids' shows appeal either to young boys, young girls, or to older children, the game and its characters appeal to all children as well as to teens. Nintendo estimates that by the end of this year there will be 19 million homes with the game system, representing 21% penetration of the country, or one out of five households.

In addition to the Disney and DIC kids' blocks, Fox is developing a kids' block for its stations, with the first half-hour expected to debut in 1990. Fox intends to use Saturday morning as a testing ground to determine which shows will be moved to the Monday through Friday afternoon block.

-SC



King Koopa



THE BUSINESS OF BROKERING/89

The days when you can cut a deal on the back of a napkin are gone," says Dan Gammon, president of Americom, one of the most successful media brokerage firms.

Gammon's assessment of the broadcast brokerage business is shared by his competitors. The business is no longer conducted on the golf course and in the club house, they say. To a growing extent, it is done over the telephone and fax machine with computer spreadsheets, detailed appraisals and the latest tax rulings in hand.

The business has turned into a "science," says Dick Blackburn, president of Blackburn & Co., which has been in the business 32 years. "I think that anybody in the last five years who has relied on the 'old boy network' type thing has found themselves out in left field."

The transformation has been driven in

part by the increased competition spawned by the dramatic rise in station trading spurred by the deregulatory initiatives of Ronald Reagan's FCC. Some of the competition has come from sophisticated new brokerage firms; some from Wall Street, where large investment firms have stepped in to broker large deals (see page 55).

Like broadcasting itself, brokering is no longer a mom-and-pop business. Although more than 150 have hung out the broker shingle, only about 50 are doing more than one or two deals a year and about 20 firms account for most of the sales and dollar volume.

The brokerage business encompasses former broadcasters who entered brokering on a semi-retirement basis; established firms that have managed to not only survive in the business but to excel through innovation and a keen sense of the changing times, and

a new breed of broker that relies on a strong financial background, using business-school techniques on top of their personal connections.

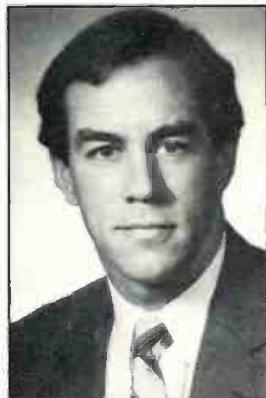
Although most brokers will say there is plenty of business for everyone, they also say a broker cannot afford to waste any of his time or sit back and relax. "If you're up to meeting the demands [of brokering], you'll do fine, you have a place," says Blackburn. "If you're going to cruise, people will blow by you."

The people who really understand this business are the ones making money right now, says Gammon. "The brokers who trade on their relationships are not doing deals this year, and the statistics show it," he says. "You can't be a casual observer in this business. You can't be successful in this business part time."

The brokers are scattered throughout the



Americom's Dan Gammon



Dick Blackburn



Gary Stevens



James Gammon



Bob Mahlman

country. Washington is home to a disproportionate share, however, because the FCC and hundreds of communications attorneys are there, but some believe the value of being in the nation's capital does not outstrip the high rent. Chapman & Associates moved to Washington, says President Bill Cate, but returned to Atlanta to, among other things, save \$180,000 a year on rent.

Station brokering has grown into a \$50-million-a-year business, according to some estimates. And take-home pay of some brokers runs deep into the six figures, with the most successful clearing as much as \$900,000 in a good year. But the earnings of others barely cover expenses—the rent, the travel, the phone bill. "There is a big disparity between the firms...and individuals that do well and the other group of people that kind of flounder at it," says Brian Cobb, Media Venture Partners.

Brokers are, for the most part, paid on commission at the completion of the sale. There are three basic types of commissions, which vary slightly. One of the most common is the 5-4-3-2-1 commission. The payments start at 5% for the first million dollars; 4% for the second; 3% for the third; 2% for the fourth, and 1% for anything after that. Another commission schedule is the 5-4-3-2, which gives the broker 5% of the first \$3 million; 4% of the next million; 3% of the next, and 2% for anything beyond \$5 million. Larger brokers often use the 5-2-1 system of 5% of the first \$3 million; 2% up to \$10 million, and 1% after that.

Not all brokers, however, subscribe to

the traditional commission. Gary Stevens, of Gary Stevens & Co., for example, says that the nature of his deals are such that he negotiates his commissions because, as he points out, no one will pay 3% on a \$100 million deal.

Although the number of brokers has been increasing, some of the top brokers are predicting some of their competitors may not be around in a year or two. The companies that have the size are "eating the little guy's lunch," said Dan Gammon, because the smaller firms cannot compete with the resources the bigger brokers bring into play.

Ironically, the big brokers may not be a real threat to the scores of brokers who specialize in small-market deals. Ray Rosenblum, who focuses on small markets in Pennsylvania, New York, Maryland, Ohio and West Virginia, says the intense competition for the big deals leaves opportunities for him and others. "I have found a niche where I can serve people," he says.

Successful brokers are constantly looking for the deal, keeping in constant contact with potential buyers and sellers. National Media Brokers Association President James Gammon, a communications lawyer, president of Gammon Media Brokers Inc. and father of Americom's Tom and Dan Gammon, says that brokers are constantly looking for owners who "ought to be ready to sell" for tax reasons or because station value has peaked or begun to erode.

For buyers of successful stations, Gammon says, the broker has a duty to find out why it has been successful. If it is because

of management, he says, "the general manager can be sold to the buyer along with the stations." If, however, a technical change—a new antenna or transmitter, for instance—is the cause, he says, the deal can be hurt if the broker is out promoting the station's management.

Increased competition among brokers has also led to questionable practices by some brokers. Bob Mahlman Jr., of Bronxville, N.Y.-based Mahlman Co., says that some brokers do not respect the confidence of the seller when working on a deal. They leak information, for instance, about the sale prematurely to promote themselves, he says.

Frank Kalil, of Kalil & Co., agrees that too many people "open their mouths when they shouldn't." Owners may not want their employees to know the station is for sale, he says. If employees learn of it before the owner meets with them, panic often ensues. "There are some brokers," says Mahlman, "that have a tendency to give the rest of us bad names." (None of the brokers would name the culprits for the record.)

There is also concern about brokers who repeatedly horn in on deals to capture a portion of the commission. Brokers who had and lost a listing sometimes reemerge after another broker has put together a deal and threaten to sue if they do not receive a share of the commission, says Mahlman. No buyer or seller wants to hear talk of lawsuits, he says. So the broker who does not want to hang up the deal gives in and pays off the complaining broker. "That's not right," he says. The National Association of Media Brokers could help by imposing a time limit on how long a broker can lay claim to a seller, he says.

To get a listing, some brokers will tell sellers their stations are worth far more than they are. "The fact that they do that is just gross.... There is no excuse for it," he says. Overstating the market value to the seller will eventually catch up with the broker and damage his or her reputation, he says. And in this business, he says, reputation "is the main thing you have."

Perhaps because of the reputation-is-everything philosophy, the brokers who engage in the questionable practices are the exception, not the rule. For the most part the brokers behave themselves, most brokers agree, despite the lack of any formal

Sales breakdowns

Category	Number sold to		Sales to June		Percent change
	June 1988	June 1989	1988 (000)	1989 (000)	
AM	27	78	\$23,192.6	\$74,324.6	220.5
FM	45	55	207,752.0	154,598.1	-25.6
AM-FM	54	58	157,265.8	246,356.3	56.7
TV	13	22	187,935.0	646,767.4	244.1
Groups	8	5	471,172.3	159,199.1	-66.2

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June, 1989

SOLD

CITRUS CABLE OF CENTRAL FLORIDA

serving 1,400 cable t.v. subscribers
in Orange, Polk and Osceola Counties, Florida
has been sold to

TELE-MEDIA CORP.

of State College, Pennsylvania

The undersigned represented the seller in this transaction.
This notice appears as a matter of record only.



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Suite 3300
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813/222-8844

CEA, Inc., 375 Park Ave.
Suite 3808
New York, NY 10152
212/319-1968

June, 1989

SOLD

Certain assets of

SONIC COMMUNICATIONS, INC.

serving approximately 37,000 basic
subscribers in Anchorage and environs,
Kenai/Soldotna, and Bethel, Alaska
have been sold to

PRIME CABLE OF ALASKA, L.P.

of Austin, TX

The undersigned represented the seller in this transaction.
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EQUITY
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Suite 3808
New York, NY 10152
212/319-1968

BROKERS

standards or code of ethics.

Most brokers look for good times ahead. Over the past five years, says Dick Blackburn, the brokering business has been "great," and as long as money remains available and affordable it will continue to grow.

Blackburn attributes the strength of the business to several factors, including regulatory changes at the FCC (the raising of the ownership limits and removal of the three-year rule), banking's greater understanding of and continued interest in broadcasting, and the attention broadcasting has received on Wall Street. The business was not maturing before, and people were not focusing on the business, but they are now, he says. "And it was time." —JF

The biggest of the brokers

Among the independent (those not affiliated with Wall Street investment bankers) radio-TV brokers, Americom, in its sixth year of operation, is number one.

According to BROADCASTING's count (see chart, page 48), the Washington-based Americom brokered deals totaling \$589,270,000 since July 1988.

Gary Stevens is the first runner-up (and again the premier solo performer), with a total of \$388 million in deals over the past 12 months.

Rounding out the top five are Blackburn with \$366,983,000; Media Venture Partners with \$198,951,600, and Howard Stark with \$105,600,000.

Following are profiles of the top 23 independents—those with sales of more than \$10 million between July 1, 1988, and June 30, 1989.

Americom

In less than six years Americom has risen rapidly through the ranks to become one of the top three brokers. In 1986 it brokered sales worth approximately \$120 million. In 1987 that figure was around \$100 million, and in 1988 was close to \$140 million. Since July 1988 Americom has brokered sales



THE BUSINESS OF BROKERING/89

This notice appears as a matter of record only.
July 1989

Daniels & Associates

is pleased to announce the appointment of

Richard Bridgforth
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Senior Vice Presidents

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over \$1 billion. A large chunk of that came in a Westinghouse letter of intent to buy 10 radio stations from Legacy and Metropolitan for \$385 million (BROADCASTING, April 24, 1989). Americom's managing partner and top-25 market specialist Bill Steding provided the brokering services to Westinghouse for the deal, which has yet to clear the FCC. Westinghouse aside, Americom does deals in the \$8 million-\$20 million range. Not bad for a company that started out five years ago and was once \$26,000 in debt. Tom Gammon recalled in a BROADCASTING "Fifth Estater" (Sept. 22, 1986) that he once went to rent a car, only to find all of his credit cards

frozen and having to use the buyer's card to rent a car. However, he closed that sale, and the company has never looked back since.

Americom is headed by brothers Tom, chairman, and Dan, president. Their father, James Gammon, is a communications lawyer who just recently went into brokering full time with the formation of Gammon Media Brokers Inc., the successor to Gammon & Ninowski Media Investments Inc., which Gammon founded in 1985.

Dan Gammon attributes some of his firm's (and brokers' in general) success to the ability to judge the value of a station. "We

[brokers] create an efficient marketplace," says Gammon. "For the sellers we try to produce the highest price the market will pay," adds Gammon. He also stresses the confidentiality of the brokering business. The lack of confidentiality, according to Gammon, is a big problem in brokering; if confidentiality is broken, then the staff of the station becomes anxious. Presentations and projections are a big part of Americom's business. Gammon explains: "The reason for our success is that we professionalized the business," referring to Americom's computer sophistication and debt service models for the buyers, which, says Gammon, meshed with what the banks were starting to do.

More than \$50 Million in 1989 Sales... so far!

WJTC-TV, Pensacola, Florida • \$5,000,000

KVAN, KMJK-FM, Portland, Oregon • \$7,650,000

WAKR, WONE-FM, Akron, Ohio • \$13,000,000

WCOS AM-FM, Columbia, South Carolina • \$12,500,000

KXOK, KLTH-FM, St. Louis, Missouri • \$6,500,000

WMJR, WJAD-FM, Albany, Georgia • \$3,000,000

WPBD-AM, Atlanta, Georgia • \$4,200,000

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Blackburn & Co.

It has been a typical year for Blackburn & Co.—approximately \$270 million in sales since last July and another \$101 million in sales pending at the FCC. Some of Blackburn's bigger sales of the last two years include two group deals totaling \$145 million and the sale of KFAC(FM) Los Angeles for \$55 million. Most of Blackburn's sales are in the \$1 million-\$10 million range. For the most part the firm focuses on radio, but they do have a \$70 million deal for WSFA(TV) Montgomery, Ala., pending.

Blackburn & Co. emerged from a brokerage firm headed by the late James Blackburn Sr. and Ray Hamilton. In 1957 Blackburn went out on his own, and today the company is run by his two sons, Jim (chairman) and Dick (president). Blackburn & Co. is headquartered in Washington and has offices in New York, Atlanta, Chicago and Beverly Hills.

Blackburn Capital Markets is the company's financial division. It was set up as a separate entity from the brokerage firm and its main focus is to help people recapitalize their company or restructure debt. Dick Blackburn says they generally do not finance the deals that they broker.

Blackburn sees the broadcasting business becoming more of a science. This is also true for brokering. Dick Blackburn says it is not enough to be a "good ol' boy broker." However, he adds, that does not mean that the smaller brokers will become extinct; if someone wants to work hard, he or she will find a way to do well in brokering. Blackburn also finds himself competing against Wall Street firms sometimes and working with them other times, but many of the Wall Street companies have started to get out of the business over the last few years.

Blackburn is optimistic about the year in general but, like most brokers, is concerned about AM. He feels that "something dramatic has to happen in AM—the trends overall are not good and I don't see a reversal of those trends in the near term." Blackburn says technology is the main problem for AM, although he is quick to point out that when an AM has successful

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programming an FM will be there to copy it. Dick Blackburn says the biggest change in the broadcasting industry is the changing of the business as pioneers leave and investors get in. "The investors," says Blackburn, "are excellent broadcasters, and they're doing things that were not being done before and running far better stations." Despite the advent of the non-broadcaster in broadcasting, Blackburn does not feel station prices are inflated. He also does not see the broker business being reduced to just a few large firms, but says the companies that will prosper will be ones that offer full-service capability. The business now, says Blackburn, is more than just phone calls and mailings.

Broadcasting Asset Management Corp.

Jack Minkow, president of Broadcasting Asset Management Corp. in Chicago, spent the past year working on one deal—the \$123.5 million stock purchase of United Broadcasting Co. by TA Communications in February. The deal, not yet approved by the FCC, includes KALI(AM) San Gabriel and KSOL(FM) San Mateo, both California; WDJY(FM) Washington; WYST-AM-FM Baltimore; WINX(AM) Rockville, Md. (Washington); WKDM(AM) New York, and WJMO(AM)-WRQC(FM) Cleveland Heights, Ohio. The sale also included cable systems in New Hampshire serving about 38,000 subscribers. Industry sources estimate the value of the United stations to be \$75 million-\$80 million.

Minkow's past affiliations include five years with ABC as vice president and general manager of ABC's FM stations in Detroit and Chicago; he was also a member of the board of advisers to the ABC Radio Network. He currently owns KCOL(AM)-KIMN(FM) Fort Collins, Colo. (Denver). Minkow says the growth in the brokerage business is good for radio. He thinks that it is a byproduct of the lifting of the FCC's three-year rule. One thing needed these days, he says, is that the sellers should "examine the financial ability of the broker and the broker's ability to raise capital for the prospective buyer." Brokering aside, Broadcasting Asset Management also focuses on the procurement of debt and equity for purchases of major and medium market broadcast properties. Minkow also consults investment groups on station operation and management.

Robert A. Chaisson

Robert A. Chaisson, president of New Canaan, Conn.-based Robert A. Chaisson Inc., is in his fifth year of brokering. Prior to that, Chaisson, like Richard Foreman, Jack Minkow and Robert Mahlman, was with ABC. From 1979 to 1984 Chaisson served as managing director of ABC Talk Radio and as director of network development. From 1966 to 1979 he was with John Blair & Co. as vice president and office manager of Blair's New York office.

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Chaisson handles both radio and TV but says that 95% of his business is in radio. Since July of last year Chaisson has brokered sales totaling \$10,564,350. He does deals all over the country, but his primary focus is on the East Coast.

Chaisson says that this year should be good for station sales if interest rates decline, and cites deregulation as the main reason for the increase in station trading and growth of the brokering business. However, he questions whether buyers will be able to buy good cash-flow stations. Chaisson says there are not enough "good products" out there to satisfy buyers, and sellers may want to sell at a higher multiple.

Chapman Associates

William Cate, president of 35-year-old Chapman Associates, joined Chapman in Atlanta in 1978 and, with Chapman Chairman Ray Stanfield and the late Corky Cartwright, bought the company from Paul Chapman in 1983. Since he has been president, he estimates that sales have tripled and revenue has quadrupled. The firm recently relocated its corporate headquarters from Washington to Atlanta. Since July 1988 Chapman has brokered sales totaling \$101,491,750.

In 1987 Cate helped establish Chapman Financial Services, based in Boston and headed by Bob Maccini. Maccini provides financing for new purchases and also arranges refinancing.

Cate cites the addition of financial services by the brokerage as one of the biggest changes. The entrance of Wall Street is also a big change, but Chapman, according to Cate, has not been hurt by the investment banking firms. But that does not mean he is ambivalent towards the Wall Streeters. "The investment bankers are the biggest whores that ever hit broadcasting," says Cate, adding that they are not good for the industry and know little about the brokering business.

Although the competition is tough between brokers, Cate says the brokers' real enemy is the direct deal. That too is changing. Cate estimates that when he entered the brokering business only 27% of the deals were brokered; today that number is around 50%.



Chapman's Bill Cate



CEA's Glenn Serafin



Richard Foreman

CEA

Communications Equity Associates is known mostly as a cable broker. However, the Tampa, Fla.-based firm is also highly successful in radio and TV. Since July 1988 CEA has brokered radio and TV sales totaling \$29,311,194 (including five radio deals worth \$18,666,194).

CEA's broadcast brokers are Glenn Serafin, Tim Menowsky and Katherine C. Marien. Serafin joined CEA in 1985 after several years with the Associated Press. He started as a newsman and went on to become a sales executive for AP's Broadcast Services Division and, later, national sales manager. Menowsky joined CEA in 1988 from station ownership. He owned four stations in Pennsylvania, Missouri and Kansas. He was also vice president of Greenwood Performance Systems, a broadcast consulting firm, and was involved in radio research for NBC in Washington. Marien, formerly with the communications group at the Bank of New England, recently joined CEA as group vice president of the broadcast division.

Serafin says CEA has had a great year, a busy first half, and will be announcing sales worth about \$25 million. Serafin says the year started out a bit slow for the industry. He says there was no particular reason for the slow start except for the higher interest rates in the first quarter, which caused problems. But the rates, according to Serafin, are "headed South." When the rates climb, he explains, the most important factor that affects trade is the ability to borrow money at a reasonable rate. The brokerage business, says Serafin, is "constantly maturing," and he cites expansion into financing as the major change in brokering. CEA recently relocated its broadcast headquarters from Washington to its corporate headquarters in Tampa.

R.C. Crisler & Co.

Cincinnati-based R.C. Crisler & Co., founded by Robert Crisler in 1951 and the training ground for some of today's top brokers, continues to do well after almost 40 years in the business. Since July of last year Crisler has brokered sales worth approximately \$102,610,000. Two of the firm's bigger TV deals brokered were the



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Seattle	KQUL-AM/KZOK-FM	\$10,200,000
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Denver	KDKO-AM	\$900,000
Las Vegas	KLSQ-FM	\$2,750,000
Fayetteville	KMCK-FM	\$1,451,000
Columbia	WMFX-FM	\$5,000,000

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W. John Grandy



Ted Hepburn



Frank Kailil

sales of KBCG(TV) Jefferson City, Mo., for \$24 million and that of WWAY(TV) Wilmington, Del., for \$25.8 million. Senior Vice President Clyde Haehnle, who handles both radio and TV for Crisler, says this year has been "soft" on TV. Crisler, which also handles newspaper sales, has offices in New York, Chicago, Ithaca, N.Y., Lincoln, Neb., and Tampa, Fla. Other members of the firm include vice presidents John Babcock, Richard Chapin, Mark Jorgenson and Donald Clancy. Ward Quaal is Crisler's special national representative.

Haehnle agrees that the competition has added more professionalism to the business. Haehnle says TV prices are low

right now and says one reason is that lenders are a little more hesitant to take chances than they used to be. One new development at Crisler is the establishment of Crisler Capital Co., a joint venture with Society Media Co., a subsidiary of Society National Bank of Cleveland. The company is headed by R.D. Meiszer, a former senior VP with Society. With the new firm, Haehnle says Crisler will now be able to place the senior lender, the subordinated lender, the venture lender and the equity (buyer) together. Crisler does not use the service for its own deals exclusively. Meiszer says the company will be most successful with sales between \$5 million and \$75 million. Deals

over \$75 million attract the attention of Wall Street, an area in which Crisler does not want to compete.

Fisher & Associates

Norman Fisher, president of Austin, Tex.-based Norman Fisher & Associates Inc., is the former owner of KUKA(AM) San Antonio, Tex.; WEBB(AM) Baltimore, and KBER(AM) Abilene, Tex. Fisher's background includes resident partner of Holt-Fisher & Associates from 1970 to 1971. He then joined R. Miller Hicks Co. as vice president of operations, managing station properties, and in 1974 formed Fisher & Associates. He also serves as a station consultant for several Southwest radio and TV stations and also has offices in Harlingen, Tex. His brokering is not limited to the Southwest, though he does sell properties there. Nor does he limit himself to radio. Since July 1988, Fisher has brokered deals totaling \$29,551,000.

Fisher feels that the FCC's deregulation has led to the boom in sales and brokering and allowed the younger brokers to move in. Deregulation, he adds, also led to the entry of bankers and other investors into the business. The good side of deregulation, says Fisher, is that the banks, after becoming more involved in broadcasting, became more open to lending money for station purchases.

Foreman & Associates

Richard Foreman, head of Greenwich, Conn.-based Richard A. Foreman & Associates, was ABC's vice president, operations, for radio from 1978 to 1981. On his own since 1981, he has been one of the more successful solo brokers. Like several brokers, he started as a consultant and found himself drawn into brokering. Foreman, who has been ranked among the top 15 brokers the last two years by Paul Kagan, brokered sales in 1987 of about \$15 million, and in 1988 hit \$24 million. Since July 1988 Foreman has brokered sales worth \$24,840,000. Not included in that is the swap of WLTJ(FM) Detroit for WRVR-AM-FM Memphis, which has closed and is estimated to be worth \$35 million, bringing Foreman's total to \$59,840,000.

Foreman likes to concentrate on high-growth markets such as Mobile, Ala., Norfolk, Va., and Raleigh-Durham, N.C. He says one change he has noticed this year is that while the number of deals is increasing, the prices are not. He sees a lot of smaller deals this year and feels there is a need for "more quality buyers."

W. John Grandy

San Luis Obispo, Calif.-based W. John Grandy has been very active in recent months. His biggest deal since July 1988 was the \$24 million sale in June of KBCO-

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Brokers branch out

Indicative of the increasing sophistication of the brokering business, a growing number of brokers are now concentrating on the financing of the deal in addition to bringing buyer and seller together. Some of the brokers, such as Chapman & Associates and Blackburn & Co., have set up in-house financial services arms, while others have built strong relations with investment bankers, financial consultants and broadcast lenders.

Blackburn & Co. launched Blackburn Capital Markets to provide full-service financing. According to Dick Blackburn, president, Capital Markets was not set up to work with only Blackburn deals. They provide acquisition financing including senior and subordinated and equity funding. Blackburn also offers corporate restructuring for existing companies and consulting services for corporations or individuals that want to invest in broadcast properties. Blackburn says the service has been used primarily for properties in medium-sized markets.

"Right now," said Blackburn, Blackburn Capital has focused on the \$5 million-\$25 million stations and \$10 million-\$70 million companies. One reason for creating the division, according to Blackburn, was to help "undo" what people may have done on their own. Financing, said Blackburn, "is a more important part of the business than it ever has been."

Blackburn Capital Markets is managed by Steve Pruett, who is located in Blackburn's Chicago office. Susan Byers handles Capital Markets for Blackburn's Washington office. Blackburn Capital Markets has done close to \$69 million in transactions since July 1988.

Media Venture Partners has also joined the growing ranks of brokerage firms involved in financing deals, because, said Brian Cobb, sellers are demanding to see tangible evidence of the buyer's financing.

Brokers, for the most part, require that the buyer identify the bank helping the buyer finance the deal up front. MVP also deals with the banking community and often works with them to help solve lender problems. MVP also looks to venture capital firms and banks to help the buyer if proven to be a good risk. Cobb said that for the most part, buyers don't mind giving up an equity piece of their purchase to the "subordinated lender." Sometimes it's how much the buyer gives up that can be a problem. Cobb said there is no set amount. "It's all over the place; I've seen as low as 5% and as high as 80%. It has to do with the quality of the deal and the money that the buyer brings to the table."

Chapman Associates offers Chapman Financial Services. Chapman helps secure financing for buyers and restructures existing debt. Chapman also has ties with broadcast lenders, insurance companies and venture capitalists.

R.C. Crisler & Co. and The Mahlman Co. also joined the ranks of brokers affiliated with lenders. Crisler recently established Crisler Capital Co., a joint venture with Society Media Co., a Cleveland-based broadcast lender.

Mahlman recently announced its affiliation with New York-based W.M. Turnof & Co. The affiliation allows Mahlman to add tax advice and financial management services to its brokering business.

AM-FM San Diego.

Grandy is a veteran broadcaster who has owned and managed radio and TV stations in the Midwest and West. His associate, Dale Cowle, is based in Rancho Mirage, Calif. Cowle has owned stations in Iowa and Illinois. Grandy has been a fulltime broker since 1974.

Grandy cites the growing role that banks play in broadcasting as the biggest change in the last five years. Deals, says Grandy, are no longer strictly seller financed.

Several of Grandy's recent deals have involved minority tax certificates. Grandy feels that the tax certificate is one of the good things the FCC has done because it has been effective in attracting more minority owners. Grandy also supports the FCC's deregulation because it allows for more stations and brings in more broadcasters.

Grandy also feels that AM radio has some problems. In terms of selling, he describes the stand alone AM as a "tough sale" and feels that AM is becoming relegated to specialized programming such as ethnic material, news/talk or religion.

Since July of 1988 Grandy has brokered sales totaling \$55,550,000.

Ted Hepburn Co.

Ted Hepburn, founder of the Cincinnati-based Ted Hepburn Co., said that this year has gone in "fits and starts." Hepburn, who with his son, Todd, is entering his 14th

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The 28 brokers that handled more than \$10 million in deals in the last 12 months

<i>Broker</i>	<i>Radio sales</i>	<i>TV sales</i>	<i>Pending (000)</i>	<i>Closed (000)</i>	<i>Total (000)</i>
Goldman-Sachs		3	\$150,000	\$457,000	\$607,000
Americom	28		441,900	147,370	589,270
Gary Stevens	16		89,000	299,150	388,150
Blackburn	46	1	101,568	265,415	366,983
First Boston		5	12,000	147,000	198,952
Media Venture Ptnrs.	26	5	67,725	131,227	159,000
Stark		2	45,600	60,000	105,600
Chapman	37		970	100,522	101,492
Mahlman	8		8,000	88,450	96,450
Sandler		2	40,000	40,000	81,410
Broadcast Asset Mgt.	1		75,000		80,000
R.C. Crisler	19	1	39,200	42,210	75,000
Kalil & Co.	4	4	33,000	32,300	65,300
Foreman	5		12,165	47,675	59,840
W. John Grandy		6	29,600	25,950	55,550
H.B. LaRue	6	1	28,500	23,350	51,850
Cecil L. Richards	9		5,750	41,050	46,800
Hepburn	1	1		35,500	35,500
Kozacko-Horton	24		6,040	23,381	29,421
C.E.A.	7	3	18,666	10,645	29,311
Norman Fisher & Co.	9		5,750	23,051	28,801
William Schutz Jr.	6			22,400	22,400
Kidder, Peabody	1			21,000	21,000
Sailor & Assoc.	5		12,835	7,465	20,300
Shearson Lehman		2		20,000	20,000
R.A. Marshall	7	1	5,750	12,013	17,763
Star Raymond	4		11,500	4,700	16,200
Robert A. Chaisson	6		4,564	6,000	10,564

The radio-TV brokers are ranked by the total dollar amounts of sales they brokered between July 1, 1988 and June 30, 1989. The "Pending" column shows the totals of sales that are still awaiting FCC approval or final settlement.

year on his own since leaving R.C. Crisler & Co., has also managed stations.

For the past five years Hepburn has been one of the more successful TV and radio brokerage houses. Between 1985 and 1987 Hepburn brokered sales worth more than \$220 million. Hepburn's sales since July 1988 were WPCO-TV Charlotte, N.C., for \$30 million, and the recently closed WZFM(FM) Briarcliff Manor, N.Y. for \$5.5 million. That total is down from the \$85 million that Hepburn did in the previous 12 months. The firm handles both radio and TV deals, and Hepburn says his business is split down the middle these days, when usually his business favors radio five to one. Hepburn says one reason the business is changing is because anticipated growth is drying up. A decline in revenue growth can also hurt stations. If revenues don't keep up with expenses, then profits will flatten out. When inflation slowed down, says Hepburn, station revenues were hurt. This has led to a more conservative lending approach by the banks.

Ted is helped out by his son, Todd, also a broker, and his daughter, Heidi, who does station appraisals. Although his firm does not provide in-house financing, he does steer prospective buyers to the investment bankers with whom Hepburn has a good relationship.

Kalil & Co.

Frank Kalil has also made the successful transaction from station management to brokering. A graduate of the University of Arizona, Kalil owned KAIR(AM)-KJYJ(FM) Tucson and KBEZ-AM-FM Phoenix. For seven years he was a broker with R.C. Crisler & Co., and was a partner with former R.C. Crisler associate Bill Richter. He has been on his own since 1982.

Kalil says his Tucson base, aside from meaning he has to change planes a lot, is not a disadvantage in the business. Kalil has closed sales worth about \$33 million since July 1988 and has a \$33 million sale awaiting FCC approval. Kalil's sales are pretty much split down the middle between television and radio. Kalil is not limited to the Southwest. He brokered the recent sale of WXTR-FM Waldorf, Md., for \$33 million to Ragan Henry.

He says his firm will not work with a seller who wants more for the station than Kalil thinks it's worth. "We don't think there is anything to be gained by taking a listing at an inflated price just to have a listing; you [the broker] look like a fool and you waste a lot of time and money," says Kalil.

He says this year has been "explosive" for his business, adding that the reason for the boom is that more people are recognizing what a good business broadcasting has become. Kalil explains: "If you know about broadcasting and you are dealing with a reputable broker you will not put your money anywhere else."

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BROKERS

Kozacko-Horton Co.

Kozacko-Horton Co., the Elmira, N.Y.-based brokerage firm, has been expanding its reach over the last few years from Maine to Florida. The firm grew out of the Keith Horton Co. Horton, a former radio sales manager and owner, sold the company to Richard Kozacko in 1985. Kozacko's background includes stints in financial planning with the Ford Motor Co. and 3M. Kozacko entered the brokering business in 1967 with Chapman, joined Horton in 1973, and bought it out in 1985. Currently, Kozacko-Horton has offices in Elmira, Washington, Portland, Me., and Sarasota, Fla.

Kozacko-Horton primarily handles deals between \$1 million and \$5 million. Aside from a drop in standalone AM deals, Kozacko says his business (mostly radio) has been steady. He says that as long as the economy remains strong, his business will also remain good. However, turnaround stations are becoming more difficult to sell, he says, because banks are tightening up. Kozacko-Horton has brokered deals worth about \$29,420,500 since July 1988, and Kozacko says this will be the company's best year.

H.B. LaRue

Hugh Ben LaRue, president and founder of H.B. LaRue, Media Brokers, is in his 25th year of brokering. Before that he served as general sales manager of WNS(AM) New York; general manager of then-KTVR(TV) Denver, and vice president of then-KULA-AM-TV Honolulu. The firm has offices in Beverly Hills, Calif., Atlanta and New York. LaRue is helped out in California by Vice President Joy Thomas. A newcomer in the West Coast office is W. Dean LeGras, West Coast manager, a former general manager of KCBS-TV Los Angeles. The New York office is run by Michael Bergner, who focuses on legal matters as well as brokering, and Leon Van Bellingham, a former special projects coordinator with NBC's *Today* show and vice president of Cablecom General. Harold Gore, radio owner and former executive vice president of Sudbrink Broadcasting, is based in Atlanta.

LaRue handles radio, TV and cable transactions. LaRue estimates they have done about \$50 million in sales since July 1988, including a \$13 million sale and one for \$7.65 million. Last year, according to LaRue, was slow, with less than \$100 million in sales. This year, with sales approaching \$50 million so far, LaRue hopes to clear the \$100 million mark for the third time in four years. LaRue says that the constant shuffling that goes with the increasing station trading does not hurt the industry, and that this seems to be what the administration and the FCC want. And it's excellent for brokers, he adds. LaRue says it used to take a year for a deal to get through the commission, but now they are completed in about eight to 12 weeks.

The Wall Street intrusion has not

BROKERS

affected LaRue's business. "They [Wall Street] don't always know where the buyers are when they get a listing," says LaRue. When that is the case, he explains, "we contact the seller and find out which investor he is working with and work with them to help them make a deal. LaRue is anticipating continued growth in station trading and hopes to enlarge his staff to include more cable. The firm is looking for a full-time cable broker. Cable, says LaRue, "has room for more competition."

The Mahlman Co.

The Mahlman Co. bills itself as radio's "blue chip broker." The Bronxville, N.Y., company was founded by Robert Mahlman in 1979. His background includes stints with ABC as vice president and general manager of network services and vice president and director of affiliate relations. He also spent 14 years with the McGovern-Guild rep firm.

Mahlman is aided by his son, Bob Jr., who joined the company last year. He began his career as an account executive for WVIP-AM-FM Mount Kisco, N.Y., and was sales manager before leaving to enter the rep business with Katz Radio. Nancy Mahlman, Robert Mahlman's wife, is the company's chief financial officer.

Since July 1988 Mahlman has brokered deals totaling \$96,450,000. Most of the deals are between \$3 million and \$10 million. The big sale for Mahlman this year was the \$58 million sale of WWJ(AM)-WJOL(FM) Detroit.

Mahlman Jr. says that it is still a seller's market with increasing multiples. He says some broadcasters were "forced to sell" earlier this year because some people had just paid too much, while some of the deals pegged as risky did not come through and stations were sold for less than originally planned. Mahlman Jr. says that this sends shock waves through the buyers and creates a wait-and-see market. However, for the most part, Mahlman Jr. says that attitude has not had too much of an effect on the industry.

The Mahlman company recently joined the ranks of other brokers with either financial institutions within their companies or relationships with outside financiers. Mahlman and W.M. Turnoff & Co. became affiliated in June. Turnoff Co. provides tax advice and management services. Mahlman also has a relationship with the National Broadcast Finance Corp.

Mahlman has offices in California and hopes to open offices in the South and the Midwest next year.

R.A. Marshall & Co.

Robert A. Marshall, president of R.A. Marshall & Co., also has a family background in radio and brokering—Marshall's father was an original partner of Blackburn & Co. Marshall started his career in radio in 1958 with KPLT(AM) Paris, Tex. After his graduation from law school, Marshall joined his father



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at Blackburn, rising to vice president and associate broker. Marshall left Blackburn in 1981 to form his own brokerage firm with his wife, Martha, in Hilton Head Island, S.C.

Marshall cites his experience as the key to his success: "After 21 years of observing the broadcasting business I have a good idea of what works and what doesn't." Marshall & Co. has closed deals totaling \$12,013,000 since July 1988 and has another \$17,763,000-worth pending.

Media Venture Partners

Media Venture Partners, the firm formed by four former brokers of Chapman Associates, has overcome a rough separation from Chapman to become one of the biggest brokers in less than two years. MVP's four principals—Brian Cobb, Charles Giddens, Elliot Evers and Randy Jeffery—have almost 80 years of combined experience in the broadcasting business. Cobb's previous positions include vice president and general manager of WNGE-TV and WSIX-AM-FM Nashville and vice president-general manager of KOA-AM-TV and KQAO-FM Denver. He has also served on both the Tennessee and Colorado associations of broadcasters. Giddens was a broadcast consultant and vice president of Chapman Associates' major markets division. Cobb and Giddens are in MVP's Washington office. Heading MVP's Orlando, Fla., office is Jeffery, who got his start in broadcasting in the mailroom of WGN-AM-TV Chicago. Evers, in the San Francisco office, adds legal experience to his brokering. He has provided FCC counsel to several radio groups and was an attorney with the West Coast law firm Farrand, Maltz, Cooper & Metzler.

According to Cobb, MVP does not focus on a particular market or region; instead, price is the final factor on whether MVP gets involved in a deal. For the most part, MVP handles radio sales. However, this year the firm has been involved in more TV deals than ever before. Usually MVP averages 85% radio deals to 15% television, but that ratio has shifted to 75%-25%. Cobb says MVP's sales average \$5.5 million,



Richard Kozacko



H.B. LaRue



Robert Mahlman

with only four transactions in the last 12 months worth less than \$3 million. Since July 1988 MVP has brokered sales worth about \$195,751,578.

Stan Raymond Associates

Atlanta-based Stan Raymond Associates handles radio deals, mainly in the Southeast. Raymond says that the growing prices of stations and the increased complexities of financing have made business more difficult. On the plus side, Raymond says that investors and venture capitalists know more about the industry than they did a few years ago and, because of this added knowledge, venture capital people are more apt to loan money for radio properties, based not just on cash flow but on potential value or a good upside. Investing "is not," adds Raymond, just "black and white anymore."

Raymond says he approaches a sale as a broadcaster, not a broker, and that one reason for his success is that the firm still takes a "personal approach."

The radio business is doing great, says Raymond, and he expects to have a good year, but he is upset that more radio people can't afford to buy stations.

Cecil L. Richards Inc.

Cecil (Lud) Richards, a veteran broadcast

executive with Westinghouse and CBS, is entering his 15th year as founder of Cecil L. Richards Inc. His brokering background includes six years as vice president with Hamilton-Landis & Associates, where he spent as much of his time as a broker as he did as an appraiser.

Richards is helped out in Washington by Bruce Houston, who started as a station rep with Eastman Radio in 1962. He came to Washington in 1975 as general manager of WRC(AM)-WKYS(FM) and joined Richards in 1978. Lee Hague, a former merger and acquisition specialist with Dean Witter in Chicago and former owner of a broadcast investment banking firm, anchors Richards's Chicago office.

There is no one market for Richards. Deals brokered over the last year by Richards include the \$25 million sale of WBMD(AM)-WQSR(FM) Baltimore and WPTX(AM) Lexington Park, Md. From July 1988 to June 1989 Richards brokered sales worth about \$46,800,000.

Sailors & Associates

Don Sailors, president of Atlanta-based Sailors & Associates, says he's "busier than he's ever been." Sailors is another solo broker preferring to do things himself. He says he hasn't seen much change in the brokering business over the last five years, but does cite better presentations and more mass mailings as among the few changes. Sailors has been brokering radio deals since 1981. His background includes station management and rep firm experience (with the late John Blair in the 1950's). He has noticed the growth in brokerage firms but says he "has enough going so that I don't notice the competition that much." Since July 1988 Sailors has brokered deals worth \$20,300,000.

Sandler Media Group

New York-based Sandler Media Group, an investment partnership that invests in stocks of communications companies, also does TV brokering. Since July 1988 the group has brokered two deals for three stations

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Cablevision Bedfordshire, Ltd.

a 110,000 home franchise in Bedfordshire, England has obtained the necessary financing to construct and operate a cable television system, through a merger with

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The undersigned initiated this transaction, served as financial advisor to Cablevision Bedfordshire, Ltd. and participated in the negotiations.

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totaling \$80 million.

The group is headed by Harvey Sandler, who spent 14 years at Goldman Sachs as a media and special situations analyst. John Kornreich, partner, acts as Sandler's research department. Barry Lewis, general partner, joined Sandler in 1986 after 20 years with Katz Communications and handles some of Sandler's brokering and stock trading operations. A recent addition is Mike Morocco, former vice president of Morgan Stanley, who is now president of Sandler's Media Group.

William B. Schutz Jr.

William B. Schutz Jr., head of his own brokerage house in Irvington, N.Y., began his career with LIN Broadcasting in 1969 with KILT-AM-FM Houston. In 1971 he joined McGovern Guild in New York as an account executive. In 1973 he joined Buckley Radio Sales and served as Eastern Regional Manager. In 1977 he formed Schutz & Co., a national rep firm, and in 1980 he merged with Savalli/Gates to form Savalli & Schutz. After becoming involved with brokering he decided to sell his interest in Savalli & Schutz to develop his own brokering business.

The decision seems to have paid off for Schutz. In 1987 he brokered deals worth about \$5.5 million. In 1988 that figure improved to \$13 million. Since July 1988 Schutz has brokered deals worth about \$22.4 million. Schutz's big deal of the last 12 months was the \$12.5 million sale last year of WJLK-AM-FM Asbury Park, N.J.

Howard Stark

Despite the onslaught of investment bankers cutting into his business, Howard Stark can still lay claim to being at the top of the TV brokering game. Stark, who once told the *New York Times* he "invented the business," brokered more than \$200 million in sales over the past year and more than \$2 billion over his long career. And he does it alone.

Last year Stark brokered the sale of WCRZ-TV Buffalo for \$100 million and WAFB-TV Baton Rouge for \$60 million. This year he sold KWQC(TV) Davenport, Iowa, for \$45.6 million.

Stark's success does not mean that he has come to terms with Wall Street. He still does not care for their methods. He feels that auctions (of stations) destroy the confidence between seller and buyer. He also questions whether the auction process really lets the highest bidder buy the station. Stark feels the broadcast license is a public trust and that Wall Street is not fair with regard to that trust.

Stark also has said that the financial people "don't care about broadcasting." He does not want to sell to someone who is buying, only to keep the station for a short time and then sell for a profit.

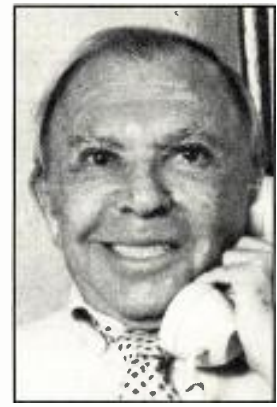
Wall Street aside, Stark is also



MVP's Brian Cobb



William Schutz



Howard Stark

outspoken about FCC rulings. When the 12-12 ownership cap rule went into effect, Stark took on more business. However, he was not as happy with the removal of the three-year rule. That, says Stark, hurt selling for radio because of the influx of non-radio people who got into the medium.

Stark is optimistic about this year and the years to come. Stark says reduced interest rates and reduced programing costs will allow the market to expand.

Gary Stevens & Co.

Gary Stevens has done it all in broadcasting and now does it all in brokering. While some brokers have backgrounds in station management, law or finance, Stevens combines all of the above and is one of the more successful brokers. He also does it alone. Stevens started Gary Stevens & Co. just under two years ago. He began in radio as an air personality with WFUN(AM) Miami in 1960 when he was 20. He went from Miami to St. Louis to Detroit before settling in at WMCA(AM) New York in 1964. In 1968 he left broadcasting to go to Switzerland as managing director of Interprogram Film Sales. He returned in 1970 and became general manager of KRIZ(AM) Phoenix, staying there until 1974. For the next three years Stevens was vice president and general manager of KDWB-AM-FM Minneapolis. In 1977 he joined group owner Doubleday Broadcasting as senior

vice president, and a year later he was president.

In 1985 Stevens left Doubleday for Wertheim Schroeder & Co. and the brokering business. Virtually on his own there as a broker, Stevens handled approximately \$600 million in sales in his first two years there. There has been no dropoff for Stevens since going out on his own. Sales since July 1988 include the \$95 million deal for KJOK(FM) Los Angeles and KHOW(AM)-KSYY(FM) Denver and the \$56 million sale of KQQ(FM) Los Angeles. From July of last year through June of this year Stevens has about \$253 million in sales that have closed or will close shortly.

Stevens looks to do six to eight deals a year that are no less than \$8 million or \$10 million and says his experience with Doubleday is one of the main reasons for his success. Stevens says he likes to sell radio stations only to radio people. He says he finds that big companies that can afford radio stations but are not in the broadcasting business tend to go away because "they cannot get comfortable with a business that has such a high intangible" value placed on station management. One reason Stevens prefers radio people is he feels a premium price is impossible to get from a non-broadcaster. "That extra million dollars," says Stevens, "is almost impossible to justify to somebody who does not understand the dynamics of the business...how you can take the same product and make more money in a short period of time."

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**THE BUSINESS OF
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**Radio-TV tally
after 6 months:
\$1.28 billion**

At the halfway point in 1989, there have been radio and TV station sales totaling \$1.28 billion, up \$233.9 million, or nearly 22%, over 1988's mid-year total of \$1.05 billion. Among the five separate groups that BROADCASTING tracks in "For the Record"

and "Changing Hands," standalone AM stations were the most active commodity (see chart, page 38). By the end of June last year, there had been 27 individual AM station sales. This year, the six-month tally was 78 separate sales. As might be expected, the dollar volume in this category more than tripled, climbing from 1988's \$23.2 million to this year's \$74.3 million.

Another category that witnessed extraordinary dollar volume increases was individual TV station sales. Here, 22 sales during the first half of 1989 pulled in \$646.8 million. By June of last year, 13 sales had accounted for \$187.9 million.

Part of the reason for these sizable increases was the hefty asking prices for key stations in each category, such as this year's \$23 million sale of WUKQ(AM) New York. WKAQ-TV San Juan, P.R. accounted for nearly one-quarter of the six-month total, going for \$160 million. WSMV(TV) Nashville, sold for \$125 million—another contributing factor to the expanded dollar volume in TV sales.

For two of the remaining three sales groups, standalone FM's and AM-FM combos, dollar volumes were somewhat more in line. Forty-five FM sales in 1988 grew to 55 sales in 1989, but dropped from a total of \$207.7 million in 1988 to \$154.6 million this year. AM-FM combos grew from 54 sales to 58 in 1989 and went from \$157.3 million to \$246.4 million.

The last category, group sales, which are typically sales of three or more stations, but can also include the less-frequent sale of two AM's or FM's, dropped off to five transactions for this year from last year's eight. The dollar figure for group sales was down significantly, from \$471.2 million to \$159.2 million.

Cable's sales-to-date dwarf the six-month tally for radio and TV. So far, cable has posted about \$5 billion; that works out to \$833 million per month.

Most brokers anticipate continued growth in sales. For the most part, they say, prices are fair and will continue to grow in the top 30 markets. Glenn Serafin of Communications Equity Associates said the year started out slowly, but recently, lowered interest rates have led to increased trading.

Although the current prime rate of 10.5% is the same as it was in January, that does not mean that rates have been stable. In February the prime jumped a point to 11.5%. From March through May it remained at 11% but was still in a climbing mode. In May it again hit 11.5%.

According to Susan Ness, vice president, Communications Industries Group, American Security Bank, Washington, the rates climbed rapidly since April, 1988, when it was 8.5%. Even if rates don't go up, as was the case for March through May, according to Ness, people expect rates to rise, making everyone more cautious.

The 3% jump in less than a year comes after three years of rates around 7.5%, an all-time low. According to Ness, the low rates, combined with a healthy economy, produced double-digit growth, which in turn helped the seller, buyer and lender. Ness speculated that there may be a modest drop in interest rates, but nothing more substantial than half a point for the remainder of the year.

The higher interest rates, according to Cecil Richards, head of Cecil L. Richards Inc., hurt the lenders and, subsequently, the buyers. Higher rates hurt buyers because financing becomes harder to get. The seller is also hurt because there are fewer buyers who can pay the seller's price. The lender is hurt because higher rates mean more restrictive loans and more selective buyers.

Gary Stevens of Gary Stevens & Co. says today's station trading is divided between the top-25 stations and everything else. The top-25, according to Stevens, is a seller's market. Below the top-25, Stevens says, is a buyer's market because it's difficult to arrange deals at high multiples for smaller market stations unless they have a lot of cash flow. Stevens explains: "There is so little inventory available for purchase that has cash flow, that when those kinds of deals come up there is incredibly intense pressure from all these buyers to come in and do the deal." With regards to the smaller market buyers, Stevens explains that "the big company is not interested in the market and the small company can't afford it." Stevens says that this year should see a trading volume in the low \$2 billions and constant action in the \$5-mil-

July, 1989

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lion to \$10-million range.

Dick Blackburn of Blackburn & Co. agrees with the two-tier marketplace. Prices in the second tier, says Blackburn, have softened. Blackburn thinks that for now, stations in the second tier will remain firm, but in order to catch up to the first tier, prices will go up again.

Although brokers are optimistic about station trading this year, they are not as optimistic about the plight of AM radio in general and standalone AM's in particular. Some brokers will not even try to sell a standalone AM. Opinions vary on what AM's main problems are, but most agree that technology and programming are the two factors that hurt AM the most. Gary Ste-

vens describes AM as a "1920's" technology. "You have several generations now that have been raised on high-quality musical reproduction" and because of that, "AM radio really no longer serves the purpose that it set out to serve years ago," explains Stevens. Blackburn says that something dramatic will have to happen with AM to reverse the trend. Blackburn, too, feels that there are too many signals in an AM marketplace that cannot compete. And, adds Blackburn, when an AM does find good programming and starts to get listeners, an FM will come along, copy the successful format and take the AM's audience. However, people with FM's will buy AM's as insurance, says Stevens.

Broker Frank Kalil is a little more optimistic about AM. However, he too cites the technical differences between AM's in the same market as one of the causes of AM's problems. But Kalil says that "somebody will do something and AM will come back." Stan Raymond of Atlanta-based Stan Raymond & Associates also says that AM is "far from dead." Creative programming, according to Raymond, is what AM needs. Raymond cites the Financial News Network and business news as good programming for AM's. "If you have your niche," says Raymond, "you will do well." Ethnic programming, says Stevens, can also be successful on AM if there is a market for it. -JF, ATS

Bankers/brokers: the other side of the business

Many investment banks are getting into broadcast and cable brokering as credit, interest rates improve

Investment bankers who work in media brokerage are optimistic that cheaper financing and a lower capital gains rate will lead into a busy fall season of station and cable trading.

The bullish outlook on communications trading and financing is causing several bankers to add personnel to their communications and media groups. The media mergers and acquisitions (M&A) business is going to be "terrific," said Michael Connelly, a director at First Boston Corp. "We would not be adding additional people to our group if we didn't think there would be a strong second half and beyond."

The positive outlook for the rest of the year comes from a number of areas. One boost to cable in particular, the busiest of the Fifth Estate sectors, is the industry's improving image in the credit marketplace. In one indication of higher regard for cable debt, Standard and Poor's said several weeks ago that it was investigating raising the debt ratings of six major cable operators. "Cable television, relative to other rated industries, is now viewed as having a better-than-average industry risk," according to S&P. "The listings reflect S&P's

increased confidence in cable television's business fundamentals and growth prospects, despite the spectre of legal and competitive challenges facing the industry."

General interest rate trends will also spur deals, investment bankers said. After an apparent peak earlier this year, the prime rate seems on its way down. Last week, most major banks cut the prime to 10.5%. In another credit arena, seven-year Treasury bonds were trading last week at yields of 7.53%, down from 7.9% about a week

earlier and 9.25% about three months ago. Assuming that a cable company can get a fixed-rate insurance company loan at a rate calculated from Treasury yields, the drop in Treasury yields makes "a huge difference in terms of a company's ability and interest in going out and doing something," according to Edward F. Dugan, managing director of PaineWebber Inc.

Long-term interest rates are also a function of appetite in the the junk market, said Lazard Freres & Co. general partner Steven



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Rattner. Spreads between current-pay bonds and zero-coupon, or deferred-pay bonds, have widened, he said. While it is "as easy as it's ever been" for major cable operators to obtain subordinated debt financing, he said. "It's more difficult for a small, private broadcaster to get \$40 million in zeros. That would be very difficult today." Connelly agreed: "The market has shown trouble digesting zeros."

Some investment bankers are also looking for possible reduction of the capital gains tax rate, last week being discussed in Congress, to have an effect on brokerage activity. "It's at a point where some decision is going to be made on it in the next couple of weeks," he said, adding: "We've encouraged some people to seriously think about selling assets if the gains is lowered."

The communications group revenues that bankers attribute to brokerage, rather than financing, vary by bank. Charles Cory, head of Morgan Stanley's communications group, attributed 60% of the group's recent revenues to sales; Dugan said that PaineWebber's media group earned half of this year's revenues from mergers and acquisitions and merchant banking transactions. Nancy Peretsman, head of Salomon Brothers' media group, estimated that less than 10% of the group's revenues comes from straightforward brokerage. Much of what Salomon does is a "sort of brokerage," Peretsman said—not an outright sale, but a refinancing that enables owners to take some money out of their property often by selling minority equity shares. The balance of business between brokerage and financing goes in cycles, said one industry participant. "We're at the mercy of market conditions," said Paul Taubman of Morgan Stanley.

The outlook for television station brokerage, the slowest part of Fifth Estate M&A business, has an uncertain future. Peretsman said that improving financial results at TV stations would soon make more "justifiable" the prices sellers sought for their stations. Connelly said that an increasing discernment among lenders for broadcasting deals would not necessarily lead to fewer broadcasting deals in the future, but to



PaineWebber's Edward Dugan

deals both financed and priced less aggressively.

The outlook is mixed on the fate of bankers working with brokers to sell properties. No clear pattern emerges among bankers as to when working with brokers to sell a property is useful or whether the number of banker/broker sales will increase or decrease. Brokers being involved with bankers is "largely the whim of the client," Rattner said.

Cory of Morgan Stanley, which has worked with Daniels & Associates on two deals this year—including the sale of Centel Television Co. and Telecable (later withdrawn from the market)—said it was preferable for advisers to work alone, although he respected the personnel at Daniels. "Any adviser prefers an exclusive arrangement with a client. It simplifies...the lines of communication," he said. Cory said lower fees weren't the issue, and that his group didn't necessarily get them from the marketplace. If companies want two advisers, they ought to expect to pay for two, he said.

Cory said that Daniels was brought into the Telecable transaction because as the sale process progressed, American Television & Communications and Warner Communications were seen as possible buyers, but Morgan Stanley was advising Paramount on its hostile takeover bid for Time. "Telecable wanted to make sure they could

have an adviser who would speak to ATC and Warner without an emotional charge in the air," Cory said.

Some brokers also have second thoughts about using an auction to sell properties, partially because of the mixed results these have had in the marketplace. Following auctions run by investment banks, Midwest Communications (including WCCO-TV Minneapolis), Telecable and Jack Kent Cooke's cable properties were pulled off the market. (Cooke's properties were later sold to a consortium that bid for the whole property, rather than the separate pieces that were up for sale.) For an auction to succeed, according to Rattner, the business for sale must be easily understandable in terms of valuation, must have a good operating record, and should be likely to appeal to a large number of buyers. In recent auctions, Rattner said, "The third principle is particularly violated."

According to Dick Blackburn, president of Blackburn & Co., the auction process leaves station people "dangling in the wind" in the hopes that it will produce top dollars. Broker Howard Stark, who only handles large TV deals, also dislikes the auction process because it destroys confidentiality. Stark also questions whether the highest bidder does always get the station. Usually, Wall Street investors like Morgan Stanley, says broker Gary Stevens, enter into a deal if it is over \$50 million. Anything under that, says Stevens, costs Wall Street too much because of overhead. Blackburn feels many buyers have been turned off by the auction process.

As for prices, on the one hand, bankers say some properties are so large that the universe of buyers shrinks dramatically. On the other hand, for an auction to succeed, said Douglas Dunnan of Salomon, the property should be large enough so that neighboring buyers do not have a particular advantage. Further complicating matters in the WCCO-TV and Telecable sales was that sellers were selling stock in their property and not assets. The reaction of many potential buyers to hearing about stock deals is "I'm not interested," according to Dugan.

Connelly of First Boston, which sold the *New York Times* cable properties, said the auction process has worked "in extremely hot markets," but that many people feel "abused" in the auction process. He said that in cable, there are fewer first-time buyers looking at big auction deals. The buyers in these situations are better known to people in the sales process, and they are not willing to accept information on the basis of books sent out by investment houses.

Meanwhile, Cory defended the auction process as "a very powerful way to extract the highest economic values from the marketplace." After sellers have determined on what basis they are selling property, such as whether a sale is for assets or for stock, "the marketplace is smart enough and efficient enough...[to] make a valuation on that set of facts," Cory said.

-GM

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the same. consortiums will come together to buy systems. "The necessity is caused by the inability of the sellers to sell assets, mostly, and [thus] the need to sell stock," he said. Tax complications force buyers to keep properties together, even though they may individually be interested in only those systems closest to their own.

Both Russell, who did the Times Mirror-Cablevision Systems swap, and Armstrong believe there will be more swapping of systems. But, said Russell, "they are extremely difficult and time-consuming to do." Added Armstrong: "The problem is everybody thinks their property is better than the next guys. Parties have to keep a big picture outlook on it" and not get mired in details like "my converters are worth \$10 more apiece more than yours." Armstrong continued, "We've been down the path on swaps and they get into the minutiae and it dies."

The FTC is also emerging as another possible impediment to swaps. "Part of it is going to depend on how active the FTC gets," said Russell, an agency that "seems to be more active since President Bush took over."

Russell gave an indication of the answer to the perennial question: How high is up? CEA was involved in Prime Cable's buy of the Anchorage cable system for upwards of \$4,000 per subscriber. Five years ago, the system brought around \$2,000, an unheard of price at the time. The recent deal was based on a similar cash-flow projection. "I see it as a foreshadowing of what the rest of the country is going to be like in another five years," said Russell, of Prime's \$143 million, 37,000-subscriber purchase. —MS

Americom Radio Brokers Inc. 1130 Connecticut Ave., N.W. #500, Washington 20036. (202) 737-9000. Thomas P. Gammon, chmn; Daniel T. Gammon, pres; William J. Steding, 1st VP; David C. Burrill, brokerage specialist; Timothy R. Gammon; brokerage specialist; Mark D. Cunningham, financial analyst. Radio station mktg and financing, specializing in \$3 million-\$100 million properties. Confidential mktg, negotiated bids.

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Bill-David Associates Inc. 2508 Fair Mount St., Colorado Springs 80909. (719) 636-1584. Bill Martin, broker. Radio and TV station brokerage, appraisals, management consultants.

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Blairco Inc. Box 42513, Washington 20015. (202) 364-1019. Randall H. Blair, pres. Consulting to buyers and sellers of radio and TV properties.

Boudreau & Associates. 1025 Harker Ave., Palo Alto, Calif. 94301. (415) 326-5151. James Boudreau, CEO; James R. Corcoran, senior partner; Susan Legare, partner and research dir. San Francisco 94110: Bryant Sq., 2121 Bryant St. (415) 326-5151.

Frank Boyle & Co. 55 Old Field Point Rd., Greenwich, Conn. 06830. (203) 869-4433. Frank Boyle, pres; Jim Boyle, VP/mgr, cable div; Michele Gault, VP, cable div; Mary Downey, VP, operations; Michael Boyle, VP, financial information services. Media brokerage, specializing in radio and cable.

Bill Brazzil Associates Inc. 13520 S.W. 61st Court, Miami 33156. (305) 662-7501. Bill Brazzil, pres. Radio, TV brokerage; consulting, appraisals.

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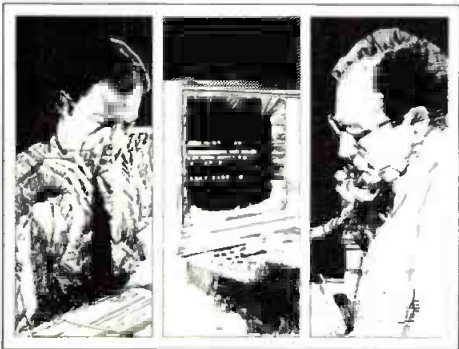
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Business Broker Associates. 399 Somerville Ave., Chattanooga, Tenn. 37405. (615) 756-7635. C. Alfred Dick, owner and broker; James Alfred Dick, broker; R.C. George, broker; James Stephenson, broker. Media brokers for radio, TV and cable systems.

The Camfield Company. Box 9797, Fort Worth 76107. (817) 877-5969. William J. Camfield pres; Ken Mindell, CPA, VP.

Capstone Communications Inc. Box 778, Saddle River, N.J. 07458. (201) 934-5990. Fax: (201) 934-0192. Josh Mayberry, Carol Mayberry.

Carpenter & Associates. Box 21835, Little Rock, Ark. 72221. (501) 223-9740. Jack A. Carpenter, pres; Dianne Carpenter, sec/treas. Broadcast consultant; radio, television, cable sales and appraisals.

Robert A. Chaisson Inc. 39 Locust Ave., New Canaan, Conn. 06840. (203) 966-6333. Robert A. Chaisson, pres. Brokerage of radio and TV sales and acquisitions.

S.R. Chanen & Co. Inc. 2320 United Bank Tower, 3300 N. Central Ave., Phoenix 85012. (602) 234-1411. Steven R. Chanen, CEO; Joseph A. Romano, chief financial officer; Donald E. New, dir of acquisitions. Investment banking, brokerage and financial advisory services for the communications and entertainment industry.

Chaney Media Brokers. Box 101, Bedford, Mass. 01730. (617) 275-6285. Ansel Chaney, owner; Carl Stuart, assoc. Breinigsville, Pa. 18031; R.D. 2, Box 172. (215) 682-6115. Carl Stuart. Brokerage, consulting, appraisals.

Chapman Associates. 8425 Dunwoody Pl., Atlanta, Ga. 30350. (404) 998-1100. W.N. Cate, pres; Kent Replogle; Millard S. Younts, Van Nuys, Calif. 91406-1215; 16380 Roscoe Blvd., Suite 120. (818) 893-3199. Ray Stanfield, CEO; David G. LaFrance; James F. Mergen, Jacksonville, Fla. 32217; 3733 University Blvd., Suite 114. (904) 730-2522. James L. Brewer; George R. Reed, Kansas City, Mo. 64111; 4500 Main, Suite 900. (816) 932-5314. William H. Lytle, Logan, Utah 84321; Box 744. (801) 753-8090. G. Greg Merrill, Dallas 75240; 5495 Bell-line Rd. (214) 788-2525. William L. Whitley, sec/treas. Boston 02110; 176 Federal St., N.W., Suite 555. (617) 330-7880. Kevin C. Cox; Robert J. Maccini.

Donald K. Clark Inc. Box 340617, Tampa, Fla. 33694. (813) 949-9311. Donald K. Clark, pres; Anne Clark, VP. Brokers for the sale and acquisition of radio and TV.

ComCapital Group Inc. 19 W. 44th St., Suite 1000, New York 10036. (212) 302-8720. Paul C. Raeder, pres; David E. Schutz, Anthony M. Hoffman, managing dirs. Station acquisition advisory and financing. Appraisals, business plans, bank presentations and feasibility studies.

Communication Resources/Media Brokers. 3727 E. 31st St., Tulsa, Okla. 74135. (918) 743-8300. Tom Belcher, pres; Eileen Belcher, VP; Barbara Terry, sec/ treas. Brokerage services for radio, TV and cable systems.

Communications Brokers Inc. 1325 18th St., N.W.,

Suite 103, Washington 20036. (202) 745-1009. Jack Christian, pres.

Communications Capital Corp. 19 W. 44th St., New York 10036. (212) 302-2282. Blair Walliser, pres; Wade Barnes, VP; Samuel Freundel, VP.

Communications Equity Associates Inc. 101 East Kennedy Blvd., suite 3300, Tampa, Fla. 33602. (813) 222-8844. Fax: (813) 225-1513. Telex: 808713 CEA TPA. J. Patrick Michaels Jr., chmn; Harold D. Ewen, pres; H. Gene Gawthrop, exec VP and chief acct off, New York 10152; 375 Park Ave., Suite 3808. (212) 319-1968. Don Russell, managing dir, group VP. Berwyn, Pa. 19312; 1235 Westlake Dr., Suite 140. (215) 251-0650. Thomas J. MacCrory, group VP/cable TV div, Washington 20036; 1133 20th St., N.W., suite 260. (202) 778-1400. Cable television system sales, acquisitions and trades, securing of financial debt and equity; system fair market valuations.

Communications Partners Ltd. 1509 Main St., Suite 1300, Dallas 75201. (214) 651-9180. Eric C. Neuman, G. Bradford Bulkeley, managing partners.

Communication Resources Unlimited Inc. 3727 E. 31st St., Tulsa, Okla. 74135. (918) 743-8300. Tom Belcher, pres; Eileen Belcher, VP; Barbara Terry, sec/ treas. Brokerage services for radio and TV stations and cable TV systems.

Computer Management Systems Inc. 6610 N. Shadeland Ave., Indianapolis 46220. (317) 842-1830. John B. Gray Jr., pres; Myron Keeney, VP.

Constant Communications Co. 101 Larkspur Landing, Larkspur, Calif. 94939. (415) 461-7200. Frederic W. Constant, pres.

Contemporary Communications. Box 159, Fayetteville, Ga. 30214. (404) 460-6159. Fax: (404) 460-6129. Larry G. Fuss, pres. Media broker specializing in small and medium market radio stns. Management, operations, technical and programing consultant.

F.T. Crennan, Media Investments. 1469 Bellevue Ave., #803, Burlingame, Calif. 94010. (415) 342-9783. F.T. Crennan.

R.C. Crisler & Company Inc. 600 Vine St., Suite 1708, Cincinnati 45202. (513) 381-7775. Richard C. Crisler, pres; Clyde G. Haehle, sr VP; John D. Chapman, VP; Gloria Bushelman, VP, newspapers. Ithaca, N.Y. 14850; 600 Cayuga Heights Rd. (607) 257-6283. John B. Babcock, VP. Lincoln, Neb. 68508; NBC Center, Suite 751. (402) 475-5285. Richard W. Chapin, VP. Chicago 60611; 401 N. Michigan Ave., Suite 3140. (312) 644-6066. Ward L. Quaal, special natl rep. Tampa, Fla. 33688-0451; Box 270451. (813) 264-2364. Mark W. Jorgenson, VP. New York 10017; 757 Third Ave., Suite 1806. (212) 838-5006. Donald E. Clancy, VP. Acquisition, merger, appraisal and financial services to radio, TV, newspaper, cable and other media-related industries.

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Charles C. Earls & Associates Inc. Route One, Box 173, Kennett, Mo. 63857. (314) 888-3224 or 888-3362. Charles C. Earls, broker; Scottie Earls, assoc. Broadcast and cablevision-property sales and appraisals.

Eden Broadcast Services Inc. Box 647, Eden, N.C. 27288-0647. (919) 623-3000. Gene E. Ward Sr., pres. Sales of broadcast properties and cable systems, specializing in radio station sales and appraisals.

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Norman Fischer & Associates Inc. 1209 Pkwy, Austin, Tex. 78703. (512) 476-9457; Fax: (512) 476-0540. Norman Fischer, pres; R.W. Prikrly, assoc; Terrill Fischer, assoc. Harlingen, Tex. 78550; 802 E. Harrison. (512) 428-3736. Mal Kasanoff, assoc. Brokerage in radio, TV and cable. Consultation in management and operations, appraisals, feasibility studies, expert testimony, financial planning and assistance.

Milton Q. Ford & Associates Inc. 5050 Poplar Ave., Suite 1135, Memphis 38157. (901) 767-7980. Milton Q. Ford, pres; Jo Ann F. Kail, VP. Media brokers for the sale and purchase of radio and TV stations, CATV and newspapers.

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Charles Greene Associates. 1117 Perimeter Center West, Suite E-319, Atlanta 30338. (404) 668-9577. Charles L. Greene, pres; Jeffrey C. Miller, VP. Cable TV brokerage, appraisals and financing.

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The cable connection: Sales remain strong

Cable brokers see solid finish to year that has already seen close to \$5 billion in sales

Cable system trading activity, already approaching \$5 billion in 1989, is expected to stay strong through the rest of the year, according to brokers interviewed by BROADCASTING. The same factors that made 1988 such a strong year continue to fuel sales this year, brokers report.

Phil Hogue, president of Daniels & Associates, said: "If you look at the top 100 [MSO's], you can speculate on a number that might be lured into the market because of the high prices being paid." Added Andy Armstrong, senior vice president at Waller Capital: "A lot of people are sitting on the fence. You're going to see a lot more deals" in the fourth quarter.

Part of that, said Armstrong, is the belief that "we may see personal tax rates going up," adding pressure for deals to close by year's end. Armstrong believes the primary activity will be from small and mid-sized companies spinning off systems that don't fit their business plans, or getting completely out of the business.

Hogue said Daniels has already closed 29 cable deals, has arranged financing for sev-

en more, and has another 61 system deals and 14 financing transactions in the pipeline. Led by its participation in the Cooke and Centel deals, the company stands to have a \$4 billion year (roughly \$1 billion in financing with Salomon Brothers and \$3 billion in system sales), which would have been higher had TeleCable decided to go through with its sale. Part of that growth, Hogue said, is related to Daniels's regionalization of its offices, which is bringing in a wide range of deals from all points across the U.S. "In terms of volume it's going to be a record-breaker," said Hogue.

"All of the conditions that make for strong cable prices continue to exist," said Hogue. "Lenders are aggressively trying to build portfolios, and the number of buyers continues to be strong."

Hogue said "prices are holding steady" and "remain strong for quality systems," although some buyers "are somewhat more discerning." Waller's Armstrong agreed. "We haven't seen the upward momentum we saw last year," said Armstrong, yet prices remain in the same ballpark "and that's a real positive, in the face of tougher issues that could cloud the financial market's impression of what's going on in the cable industry with reregulation or telcos,"



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he added.

Don Russell, president of Communications Equity Associates Inc., sees the market as strong, "particularly for good systems," those with "good real estate growth, reasonably modern plant, good revenue per subscriber and anticipation of improvement in all of those areas." As an example, Russell said CEA is working on a

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Daniels's Phil Hogue

Colonial Cable system deal near Boston that will bring in the neighborhood of \$3,000 per subscriber.

Some in the cable industry believe the telco threat has been blunted, for now. Russell sees it "as much less of an issue right now," adding that "people are making sure they have the proper amount of capital expenditures in their budget" to keep their plant modern. Still, said Armstrong, "There are still some financial institutions that are taking a wait-and-see attitude." They "want to see where some of these [congressional] bills are headed," said Armstrong. To the outside world, he said, "rates are the most prominent issue." And analysts "are very sensitive to it."

That concern is causing operators to be more wary of certain deals, said Armstrong. "The operators are getting smarter now and really figuring out how to show better numbers other than just a basic rate increase" to pay for systems, he said. "Operators are sensitive to deals that are a one-way play, which is rates only."

The go-slow approach on rate increases, said Hogue, puts the focus "on better operator performance and the generation of other sources of revenue." He added that "the financial players are also being more careful in assessing the credibility of projections and the sources of increased revenue." But, he said, "the



Waller's Andy Armstrong

enthusiasm of the financial markets for cable hasn't diminished at all."

CEA's Russell said the gap between system prices is probably "widening a bit. The marketplace for a while had not really recognized the differences that exist between properties," he said.

For a broker, that increased scrutiny can make the mature market system with high penetration and little growth prospects "a tougher deal to sell than a year ago," Armstrong said. "A lot of people are backing away from them." Russell added that the financial players "find it a little more difficult to raise money now," particularly since debt service can't be paid back by basic rate increases alone.

There has also been a lowering of expectations on the equity side, Armstrong said. "We're seeing the equity side willing to accept generally a lower [percentage] rate of return," he said, in the low to mid-20's, versus mid-20's to low 30's a year or so ago.

The decision by TeleCable to take its systems off the block, Hogue feels, "is not going to have much of an impact on anybody else's decision-making." Daniels and Morgan Stanley were brokering the TeleCable properties, and Hogue said Daniels was "disappointed" with the no-sale decision because "it was the best collection of properties we've seen." At the same time, he does not disagree with the principal reasons



CEA's Don Russell

for TeleCable's decision—that reregulation would automatically hurt the asset values of cable systems and that mid-size companies cannot survive in the cable business. "Properties like theirs have a growth expectation of 5% to 6% annually," Hogue said. Additionally, tax complications in the deal would have negatively affected the net gain for TeleCable.

For the moment, the degree of telco interest in cable awaits a ruling by Judge Harold Greene on Pactel's waiver request to buy the Group W system in Chicago, a deal in which Daniels represented the BOC. Pactel, which has been the most aggressive pursuer, is "going to stand pat until that's decided," said Hogue.

Some states with active regulatory bodies are causing problems for the cable industry, which is affecting system sales. "People are very wary of doing deals in those states," said Armstrong, who cited New York, Connecticut, Vermont and Minnesota. New York's state cable commission effectively nixed the sale of First Carolina systems to Cencom (brokered by Waller), expressing concern on the effect on rates of yet another sale of that system. And Jones Intercable withdrew an offer for a neighboring Acton system in Maryland. The two companies were engaged in some overbuilding, which drew some questions from the FTC. The delays caused by that action served to nix that deal also.

Several cable deals in 1989 utilized the minority tax certificate, and Armstrong said use of that vehicle "is much more prevalent today than it was a year ago." He said that "more people have it as a tool to go into a bidding situation," although "in a couple of deals it was almost a requirement." In some cases, he said, "it becomes just another sweetener."

Likewise, there has been an increase in cable companies banding together to buy properties, as in the Cooke and Telecable cases. Their popularity stems from the participants' belief that "they can control more of the terms and conditions" as a group, said Armstrong. It also allows large companies, like TCI, to continue to grow without taking a high profile. Still, said Armstrong, "they are real tough to put together."

Russell said as long as the tax laws stay

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R. Miller Hicks & Co. 1011 West 11th St., Austin, Tex. 78703. (512) 477-9696. R. Miller Hicks, pres; C. Brunner Smith, controller.

Mel Hodell Media Broker Inc. Box 2277, Montclair, Calif. 91763. (714) 626-6440. Mel Hodell, pres. Sales of newspapers and bcst.

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Off-network sitcoms on cable change syndication equation

Carriage of 'Happy Days' and 'The Jeffersons' on superstation WTBS(TV) causes concern among stations already airing shows in local markets

The continuing growth of cable, and with it, superstations such as WTBS(TV), has necessitated a re-examination of the traditional methods of syndicating perennial off-network sitcoms. Earlier this month Turner Broadcasting System said that its WTBS was "100% blackout-free," that TBS had indemnified cable systems against any potential syndex-related action from broadcasters or the FCC (BROADCASTING, July 31). The station also will begin carrying this fall *The Jeffersons* (from Columbia Pictures Television) and will begin airing Paramount's *Happy Days* in the fall of 1991.

Both are examples of shows that have been in syndication for a long time—*The Jeffersons* since 1981, *Happy Days* since 1979—but which continue to perform well for a number of stations, despite their age. Their forthcoming basic cable runs are cause for increasing apprehension among stations already airing these shows in local markets.

"This is obviously something that concerns us," said Greg Brannan, program manager, KPHO-TV Phoenix, where *Happy Days*, airing at 5 p.m., posted a six rating, 22 share, according to the May syndicated ratings book. "It's been very difficult for us to accurately determine to what extent [WTBS] erodes our local viewership, but it doesn't help."

WTBS is "continuously looking for perennial situation comedies that are still very popular," said Bob Levi, executive vice president, "but that are not currently, being in key early fringe and access time periods with the frequency of the new 'hot' syndicated first-run shows." According to Levi, these shows include *Good Times*, *Laverne and Shirley*, *Alice*, and *Happy Days*.

"Anytime a station has said TBS [WTBS] is harming them in some way, I always say prove it, and they never can," said Levi. When WTBS bought and began airing *The Brady Bunch*, some "hard research" was done on its performance on stations in big and small markets around the country, he said. "We found in 75% of the cases that ratings went up for the show." Levi told BROADCASTING he believes airing and promotion of these programs on WTBS creates a halo effect, improving the ratings of a particular show on all stations.

Brannan sees things differently, however. "I think we run a much greater risk of having a negative impact than any kind of halo effect," he said. "The simple fact is we're not the exclusive supplier of the program to our viewers here, and that can't help us."



'Happy Days'

The availability of the same show on at least two different stations in the same market "has to have some effect on stations," said Mike Levinton, vice president, programming, Blair Television. "It stands to reason that if there's more than one place to get something and only a finite number of people who want the product, and they split the buying between two places, neither place gets the full value."

There is nothing in contracts that prohibits others buying a program until syndex goes into effect, Levinton said. Columbia's sale to WTBS of *The Jeffersons*, which is "still one of the highest rated off-network sitcoms," is "not illegal, probably not even unethical," he said. "But it's something I wish hadn't happened." Levinton said he has heard WTBS paid anywhere from \$20,000-\$100,000 per *Jefferson* episode, and would guess the actual figure is toward the lower end of that scale. (WTBS would neither confirm nor deny these figures.)

"In no way should shows be sold to basic cable while existing contracts are in force with stations," said Dick Kurlander, vice president, director of programming, Petry Television. At the same time, shows reach a point where they are less important in the marketplace, and both *The Jeffersons* and *Happy Days* are shows that continue to age, he said, showing a "predictable" erosion in strip clearances over time.

There are shows, however, whose sale to cable at any point would cause "holy hell to break loose," Kurlander said, due to their continuing ability to attract viewers in a number of time slots. Among these programs are *M*A*S*H*, *Star Trek* and *Cheers*. Having a greater number of episodes also tends to increase the long-term value of a show, "generally speaking," Kurlander said. For example,



'The Jeffersons'

*M*A*S*H* has 255 episodes, *The Jeffersons*, 253.

"Anybody who enters into contracts now is going to have exclusivity back if they wish to," said Kurlander, "irrespective of the age of the program."

Steve Leblang, vice president, Fox Television Stations, feels it is a bit "overemotional on some stations' parts to immediately react on principle."

In terms of WTBS, what should be looked at carefully, he said, are the actual viewership numbers in a particular market. "In many cases it's insignificant, and I think a lot of the concern is more emotional than factual."

Sanford and Son has been on WTBS for 10 years, Leblang said, "and has not hurt one bit its relative value in Los Angeles, Chicago and Dallas." *The Honeymooners* has been on WTBS for three years, said Leblang, but its performance on WPIX-TV New York

has not been affected.

In markets where diaries are used to determine ratings, Leblang said, the availability of a show on cable, in addition to the local station, can result in the loss of audience numbers due to confusion or inaccuracy. "I'd be very concerned in a situation like that," said Leblang. "Also, in those situations, I'd probably renew those programs at substantially higher dollars."

Fox's rights to *The Jeffersons* in Los Angeles will expire soon, said Leblang, and its contract for *Happy Days* in Chicago will expire in the next year. The sale of these shows to cable is "not something I encourage as a business practice," Leblang said, "but I also realize peoples' desire, and sometimes necessity, to make a buck."

Columbia and Paramount each refused comment for this story, indicating the particular sensitivity of this issue to syndicators.

On a related front, the stripping of sitcoms is a practice being considered by more and more basic cable services. According to Neil Hoffman, vice president, programming, USA Network, it is "in our future at some point," but no timetable has been set. USA would be interested in sitcoms showing the same profile necessary to be successful in syndication, Hoffman said, namely those attracting a male and female audience and which work well with teens.

The network would also consider a combination of older shows and those more recently made available. "Some perennials are still fairly popular, strong, and have some good legs left to them," he said. "If we find the right one for our audience, we'd look strongly at it."

"Our blueprint for success has always been high-impact acquired product mixed with high-quality original product," said Mary Silverman, vice president, program acquisition, Lifetime. Lifetime has experimented with airing sitcoms in the past, and is currently involved in finding "what we call a deeper series," Silverman said, meaning one with a greater number of episodes. The right show for Lifetime will also include a strong female presence, in terms

of star and character.

"That kind of series, that viewers know about," she said, "will bring them to the

channel to see our original programming. We are thinking very seriously about it right now." —RG

HBO to produce telefilm for TNT

Production on Larry McMurtry's 'Montana' begins next week for carriage by TNT in early 1990; show may be first of many collaborations between HBO, TNT

HBO last week announced it would produce a two-hour telefilm for Turner Network Television, a project that marks the first step in the pay service's plan to create programming for outlets other than itself.

Gena Rowlands and Richard Crenna will star in the \$3.5 million contemporary western entitled *Montana*, from an original screenplay by "Lonesome Dove" author Larry McMurtry. Scheduled to begin production in Montana Aug. 14 for showing on TNT the first quarter of 1990, the film will be produced by Roger Gimbel and Fred Roos and directed by William Graham.

Jim Warner, vice president, HBO Enterprises, told BROADCASTING that HBO has been considering "for a while" the production of programs for other entities. "We have come to appreciate the value of owning the rights to movies in markets other than for use in domestic cable," Warner said. "There was an opportunity that came about specifically with TNT, and we looked at it as something we should capitalize on."

HBO Enterprises is taking the lead in terms of seeking out production opportunities, said Warner, but HBO Pictures and "all other aspects of HBO are contributing to getting them off the ground."

The genesis for the project, which has been in the works for more than a year, is "probably best traced to [HBO chairman] Michael Fuchs's board membership on Turner Broadcasting and our overall relationship with TBS," said Warner. "From our perspective, we were aware of TNT's interest in commissioning a large number of

made-for-TV movies. We've been able to establish a body of work that is of high quality and the kinds of things we've done could serve their needs."

According to Scott Sassa, TNT's executive vice president, the network will air 15 telefilms this year and 30 in 1990; in 1991, it intends to program one a week. HBO approached them about a collaboration, Sassa said, and "if you look at the kind of movies we're doing, in terms of budget, feel and concept, HBO comes the closest."

Sassa said *Montana* is the first of what may be many similar projects, but that "this doesn't mean people will have to go to HBO to get to us." Their relationship with the pay service is no different than others involving independent producers, Sassa said, and signifies no preferential treatment toward HBO.

The collaboration has two separate components to it, said Warner. HBO can bring projects to TNT originally developed by the pay service for itself but eventually deemed inappropriate, as was the case with *Montana* and another film currently being actively pursued. "We can also come up with ideas that are fresh," Warner said, "and not necessarily right for HBO that we would develop directly with them."

The primary window for *Montana* and other projects will be TNT, but HBO has an option to air the films "sometime" in the future, said Warner, no sooner than several years from now. "The reason for entering the deal is not to create incremental programming for HBO; it made sense for us financially and logistically."

HBO is approaching the idea of producing for others "on an evolutionary basis," Warner said. "We're starting small, will see how things work, and will not close any doors." —RG

Biznet enters morning news race

Biznet, a television production arm of the U.S. Chamber of Commerce, is launching a new morning business program in syndication next fall. Titled *First Business*, the live half-hour report has already been cleared by 15 stations covering 23% of the country, including the Fox-owned stations, WNYW(TV) New York, WFXT(TV) Boston and KRIV(TV) Houston. In Los Angeles, Disney's KHJ-TV has also cleared the program.

The initial idea for the show came from Joe Webber, program director at Fox's WNYW. He wrote a letter to Biznet officials suggesting that there might be considerable station interest in a syndicated morning business program.

According to Carl Grant, a Biznet vice president who will also serve as anchor of the new program, subsequent research that showed "many stations want such a program to build their morning news blocks," which many affiliates now lead into the network morning news programs. WNYW, an independent station, has a local news magazine program from 7 a.m. to 9 a.m. that frequently challenges the third-place *CBS This Morning* in New York.

Grant said that *First Business*, which will be fed live at 5:30 a.m., and reread at 6 p.m., will begin with a business news summary and a look ahead at the day's events. Reports on foreign exchange activity will follow. The show will also look at events at the Capitol each day that might affect the business world.

"We'll also do stories on small business issues and entrepreneurship," said Grant. A brief weather advisory for travelers will be included.

The program will be offered on a barter basis, with three minutes local and three national. It will also be tied into Biznet's "Ad-plus" program, where advertisers are linked to two other Biznet programs—*Nation's Business Today*, seen each morning on ESPN, and the weekly syndicated, *It's Your Business*—as well as the print publication, "Nation's Business." The two television programs generate approximately \$6 million in annual ad revenue.

Other stations that have picked up the show include WFLA(TV) Tampa, KTXL(TV) Sacramento and KUSK-TV Phoenix.

CBS gets new late night VP

Rod Perth, from Chicago CBS O&O, will take over night shift

Rod Perth has been named vice president, late night programs, CBS, apparently to bolster the network's sagging *Pat Sajak Show*. Perth moves from CBS O&O WBBM-TV Chicago, where he served as vice president and station manager since 1986. The late night vice president position has been vacant since the resignation of Michael Brockman last April. (Brockman left CBS to assume late night programming duties at ABC.) Once Perth assumes his duties for CBS in Los Angeles, he will be faced with addressing *Sajak's* decline in the ratings and planning a strategy to pick up points against NBC's formidable *Tonight Show with Johnny Carson* and the youth-oriented syndicated *The Arsenio Hall Show*. For the 28-week period ending July 23, *Sajak* ratings averaged a 3.3/13. A show



Rod Perth

spokesman said CBS's former 11:30 p.m.-1 a.m. (ET) weekday lineup of the Canadian series *Night Heat* and the *CBS Late Movie* garnered a 3.4/13.

Sajak Producer Paul Gilbert said the show's ratings drop in the last half-hour of the 90-minute talk program is what accounts for the overall lag. "One thing we have done is to reposition Pat's monologue to just past the midnight hour, so we can get straight to the name guests at the beginning of the show while Carson or Hall are still doing their monologues," Gilbert said. "I haven't heard anything from Howard Stringer [CBS Group president] about a deadline for the show's fate. I think Pat is happy with the continued support we have received from the CBS brass."

Perth, a native of Los Angeles, has worked on both coasts as well as in Chicago and St. Louis for CBS. Before coming to

Syndication Marketplace

Remington Steele, syndicated by **MTM**, has now cleared the top three markets for fall 1989 debut: WWOR-TV New York, WGN-TV Chicago and KTLA-TV Los Angeles. In addition, KGO-TV San Francisco has also picked up program, which aired last year on Family Channel basic cable network.

Baruch Television Group, Washington-based syndicator, is knocking on doors with several new programs for fourth quarter, including latest segment of *Stephen King's World of Horror Halloween Special*, which has now cleared top 40 markets (80% of country), with exception of Los Angeles. In New York, WNYW-TV has picked up the program and in Chicago, WGBS-TV has the one-hour special, being offered on a barter basis (seven minutes local, 5½ national). Baruch is also preparing second Cinemagic movie package for next year (available for air Jan. 15), following this summer's Cinemagic I package of four films, which cleared over 80% of U.S.

Group W Productions is syndicating *Desperate Passage*, Emmy Award-winning two-hour special focusing on 10-day sea voyage of seven juvenile prisoners and its impact on their lives. Hosted by Michael Landon, produced and directed by Lee Stanley, show has been bought by stations including WWOR-TV New York, WGNX-TV Atlanta, KPNX-TV Phoenix and WJZ-TV Baltimore.

ITC Entertainment Group has acquired domestic pay and syndicated television rights for two motion pictures from Film/Dallas Pictures: "DA," starring Martin Sheen and Barnard Hughes; and "Spike of Bensonhurst," featuring Sasha Mitchell and Ernest Borgnine. ITC also announced that it has domestic syndicated license to Academy Award-winning "Trip To Bountiful." Geraldine Page won Oscar for Best Actress in her portrayal in that film. ITC spokesman said marketing plans are tentative, but features could be offered as package as possible cash and barter offering.

The Other Side of Victory, weekly sports magazine that has been airing since April on 106 stations, has been renewed for another 52-week cycle starting first week of November, **Orbis Communications** said. Program features profiles of famous athletes as well as examinations of current issues in sports such as athletes being pushed too hard to succeed, effects of drugs on athletes, and questions surrounding college athletes who excel on playing fields but not in classrooms. Former tennis champion Arthur Ashe

hosts *Victory*, which airs primarily in weekend afternoon and access time periods. *The Other Side of Victory* is produced by SI Productions and distributed by Orbis Communications, Carolco Pictures company.

GGP Sports will produce and distribute four syndicated football specials during 1989-90 football season. Included in slate is *John Madden's Super Bowl Special*, which GGP cleared in 91% of country last year. New version will be available for airing Jan. 26-28.

Better Your Home with Better Homes and Gardens, Worldvision Enterprises' new weekly consumer home improvement series, has been cleared in 119 markets, representing more than 80% of country. Major market stations sold include Fox Television's WNYW-TV New York and ABC's Los Angeles O&O, KABC-TV. Total clearances include 55 of top 60 markets.

Blair Entertainment and NFL Films have renewed agreement in which Blair will create and market vignette programs to air during National Football League games on all three TV networks. For past six seasons, Blair has developed football highlights for specific sponsors, using NFL's film archives. Among vignette series set for production is "You Make The Call" for IBM, "Team-mates" for U.S. Army and "The Right Choice" for AT&T.

Secrets and Mysteries, new reality-based series investigating unexplored occurrences will be premiering this fall in national syndication. Half-hour show is produced by **Greystone Television** and is sold by **ITC Domestic Television**. Station roster stands at 65 markets, including 21 of top 25 ADI's, for 70% national clearance. ITC is marketing 26 weekly episodes on barter basis (3½ minutes local, three minutes national). New stations on board include WLVI-TV Boston, WUSA-TV Washington, KDFI-TV Dallas, KTMA-TV Minneapolis, KTZZ-TV Seattle and WCIX-TV Miami.

First-run version of *Remote Control*, premiering nationwide week of Sept. 11, has been cleared in more than 140 markets covering 92% of country. Station clearances include all six Tribune stations as well as WJLA-TV Washington, KPRC-TV Houston, WFLA-TV Tampa, Fla., and KMOV-TV St. Louis. Show is being sold on barter basis with MTV Networks handling national advertising time.

WBMM-TV in 1986, Perth had been in New York as vice president and general manager, national spot sales, CBS Television Stations since 1980. Prior to that, he was di-

rector of sales for KMOX-TV St. Louis, which at that time was a CBS O&O (1976-80); and director, Midwest sales, CBS Television Stations in Chicago (1974-76).

"Many of the respondents felt that some of our spots were too slapstick, or lacked some of the key elements that make up the appeal of the show."

In response, said Moloshok, his team cut some new spots featuring Michael joking about how he manipulates his family, which are interwoven with family members letting the viewers know they are wise to his tricks. "Michael is considered by some to be the core of the show," he said. But the company believes the show will succeed because it has "broad family appeal."—MF

Syndication roll-out for 'Growing Pains' to feature PSA promos



Warner's has moved up off-network debut of show; promotional campaign to include anti-alcohol abuse message

Warner Bros. Domestic Television has moved up by two weeks the debut date of the off-network *Growing Pains* to counter the earlier start the networks have been planning for the new season. The revised debut date is Sept. 11.

"Catch Seaver Fever" is the launch campaign's slogan, and Warner marketing executives believe they've added a new twist to an off-network program promotion with the inclusion of a series of public service announcements to be tied to the syndicated run.

One of the PSA's features actor Kirk Cameron (who plays Michael Seaver) warning younger viewers not to bow to peer group pressure regarding parties in which alcohol is being served. Also featured is an on-air spot to accompany a one-hour special episode in which Cameron's character is in an accident involving a drunk driver.

Cameron has done similar spots for ABC, including one where he warned viewers of the danger of drugs, that were tied to an episode on the network dealing with cocaine abuse.

Jim Moloshok, senior vice president, creative services, Warner Bros. Domestic Television Distribution, said the campaign, particularly the PSA element, is designed to convert the non-*Growing Pains* viewer.

"In our focus group testing of *Growing Pains*," said Moloshok, "we found that nonviewers perceived Michael's character to be too much of a wise cracker, and that the show was just another lightweight sitcom." Focus group sessions, he added, seemed to indicate the PSA's would at least persuade some nonviewers to give the program a try in syndication.

The promotion campaign for *Growing Pains*, which will debut on 150 stations this fall, is aimed at attracting men and women

18 to 49, the key demographic audience for most advertisers.

The campaign includes a three-pronged on-air strategy. The generic launch campaign began in June. Stations are scheduled to receive, starting this week, a series of episodic promos tied to each of the 100 episodes in the first syndication cycle. Some 230 30- and 10-second promos have been produced for the episodic campaign. The PSA promos round out the on-air blitz.

Input from the focus groups was key in helping Warner create some of the episodic clips, said Moloshok. "It's difficult to encapsulate a program's content due to the obvious brevity of the message," he said.

Turner school show to debut to over 3 million subscribers

CNN Newsroom, Turner Broadcasting's weekday 15-minute news and information program aimed at the nation's 25,000 secondary schools (BROADCASTING, May 1), launches Aug. 14 with the endorsements of MSO's Warner Cable Communications, Heritage Communications, Rifkin & Associates and Wometco Cable TV. These MSO's together represent more than 3 million U.S. cable subscribers. Warner's involvement in the program involves the publishing of *Back to the Basics*, a guide to cable in the classroom.

"Kids and news are like oil and water," according to Paul Amos, executive vice president, CNN news programming. Speaking at a New York Television Academy luncheon last week, he said he hoped *Newsroom* would help change that by making world events more relevant to students' lives and attempting to show that the classroom and reality are not all that different.

Newsroom, whose total cost is "well in excess of seven figures," said Amos, will air weekdays at 3:45 a.m. with no commer-

'War' veteran signs with MGM/UA TV

Dan Curtis, producer and director of mega-mini-series *Winds of War* and the sequel, *War and Remembrance*—is taking Dan Curtis Productions to MGM/UA Television in an exclusive producer/development deal, it was announced by David Gerber, chairman and CEO of MGM/UA Television Production Group Inc. Curtis's agent, Dick Brooks, said the director signed a two-year deal, but would not disclose the terms.

"There are very few producers or directors in our business who have the background, the talent and the energy to accomplish what Curtis did when he co-wrote, produced and directed 47 hours of absolutely compelling viewing with *Winds of War* and *War and Remembrance*," Gerber said in a prepared statement. "This is a real coup getting him to join our ranks here at MGM."

Curtis's other credits include the daytime drama *Dark Shadows* (which had a five-year run on ABC) and prime time dramas *The Night Stalker* (with Darren McGavin), *Dracula* (starring Jack Palance), *The Turn of the Screw*, and *The Strange Case of Dr. Jekyll and Mr. Hyde* (which earned six Emmy nominations, including Best Dramatic Special). He also directed *When Every Day Was the Fourth of July* and its sequel, *Long Days of Summer*, which were based on Curtis's youth in Bridgeport, Conn.

Dan Curtis Productions will operate from MGM/UA Television headquarters in Culver City, Calif.



cial. Segments will range from 15 seconds to several minutes, and will focus on the major events of the day as well as singling out one story for a more in-depth examination. One such story being worked on, said Amos, is the idea that students can change the world, looked at in light of recent events in China.

The final segment of each show will deal with the subjects of business, government, sociology, geography and science, in an attempt to "take classroom subjects and look at them in the real world environment," Amos said. Planned segment subjects include life in Cairo and the Voyager mission.

Newsroom will also be available on an international feed, Amos said, and discussions are being held to add closed captions for the benefit of foreign students in the U.S. "TV has not played a very active role in the classroom," Amos said, "but coping in today's world necessitates understanding it."

Amos said he had no figures on how many schools would be wired at launch. **-RG.**

Westin making moves at King World

Now in charge of reality shows, former ABC News VP is redoing 'Inside Edition,' developing new program, '30 Minutes'

Look for major changes in King World

Productions' seven-month-old tabloid program *Inside Edition*, now that former ABC News Vice President Av Westin is on board as senior vice president in charge of reality programming at KWP. In addition to overhauling *Inside Edition*, Westin will develop a companion program for the 1990-91 syndication season, which has the working title, *30 Minutes*.

In an interview last week with BROADCASTING, Westin said among the changes in store at *Inside Edition* will be to set up a new investigative unit designed to "dig up stories that affect people." Westin said he will guide the program "away from the kind of prurient, salacious dominance that seems to be the hallmark of so-called 'trash television.'"

The program will retain its tabloid outlook, however. "Tabloid is another way of saying, highly popular, fast-paced, full of emotion. All of that is fine, that is what television is all about," said Westin.

The program has struggled in the ratings, and the show has been downgraded from good time periods by key stations, including WNBC-TV New York, which now airs the show at 2 a.m. and has not renewed it for fall. But during the May sweeps, the program did grow, by an average two share points, and climbed from 13th to 10th place among all syndicated programs between February and May.

Westin said he had three different concepts for the companion first-run strip, *30 Minutes*, which he will present to his bosses in the next few weeks. But in general terms, he said, the program will be simi-

lar to *20/20*, the ABC News prime time magazine on which he was executive producer for nine years. "I think there will be some parallels," he said. "After piloting a program like that for nine years, and doing just about every kind of show, you get a great sense of what works."

Westin, a 20-year ABC News veteran, who before that was with CBS News almost as long, has signed a three-year contract with King World Productions. In May, his contract with ABC News expired, and the veteran news producer said at that time he would leave the network to form his own production company. King World, however, was among several companies, including Disney and Warner Bros., that approached Westin with job offers or production opportunities.

A number of observers felt Westin's departure from ABC News was a foregone conclusion, in light of his falling-out with ABC News President Roone Arledge two years ago and the subsequent downgrading of Westin's responsibilities. But last week, Arledge went out of his way to downplay that falling-out, and wished Westin the best.

In a statement phoned to reporters last week, Arledge said Westin has been "an important and creative contributor to what we have accomplished at ABC News.... Many have chosen to focus on the differences that Av and I have had. That is unfortunate. Those differences were put behind us long ago. We wish him the very best and hope to have an opportunity to work with him again in the future." **-SM**

NBC takes week 45 with 10.8/21; CBS takes news

Nielsen			Net			Nielsen			Net			Nielsen			Net		
1	17.5/32	N Cheers	37	10.1/18	N Knight and Daye	73	4.5/9	A Mick and Frankie									
2	17.4/30	A Roseanne	38.	10.0/18	N NBC Sunday Movie	74	4.5/9	F Garry Shandling 25th Anniversary									
3	16.2/33	N Cosby Show	39.	9.8/22	A Perfect Strangers	75	4.3/9	A Trans-Antarctica Expedition									
4.	16.0/30	N Different World	40.	9.8/18	F Totally Hidden Video	76	4.2/8	C CBS Summer Playhouse									
5	15.8/28	N Dear John	41.	9.6/19	A Somerset Gardens	77.	3.2/7	C Reporters									
6	15.4/33	C 60 Minutes	42	9.5/18	A MacGyver	78.	2.3/5	F Beyond Tomorrow									
7	15.4/32	N Golden Girls	43	9.5/18	C Jake and the Fatman												
8	14.6/28	C Murder, She Wrote	44.	9.2/17	C CBS Sunday Movie												
9.	14.5/26	A Wonder Years	45	8.7/19	C West 57th												
10	14.3/29	N 13 East Preview	46.	8.6/16	C Heartland												
11	14.1/24	C Designing Women	47	8.5/17	C 48 Hours												
12	13.9/27	A Who's the Boss?	48.	8.4/17	C Kate and Allie												
13	13.6/26	N L.A. Law	49.	8.4/19	N My Two Dads												
14	13.5/24	N Night Court	50.	8.3/16	A China Beach												
15.	12.9/24	N Matlock	51.	8.1/16	C Equalizer												
16	12.8/23	C Newhart	52.	8.0/14	A thirtysomething												
17	12.7/21	A Coach	53.	7.9/14	A ABC Monday Movie												
18.	12.5/25	A Growing Pains	54.	7.9/15	C Wiseguy												
19	12.2/22	C Murphy Brown	55.	7.8/15	N Miami Vice												
20.	11.9/21	N NBC Monday Movie	56	7.7/15	N Family Ties												
21.	11.9/23	N Unsolved Mysteries	57	7.4/16	A ABC Saturday Movie												
22.	11.8/22	A Just the Ten of Us	58.	7.2/13	A Robert Guillaume Show												
23.	11.8/24	A Mr. Belvedere	59	7.1/13	A Hooperman												
24	11.8/20	N In the Heat of the Night	60	7.1/16	N Highway to Heaven												
25.	11.6/25	N Hunter	61.	6.9/13	C Cavanaugh's												
26.	11.6/21	N Midnight Caller	62	6.8/14	N NBC Friday Movie												
27	11.4/25	A Full House	63.	6.5/12	F Tracey Ullman Show												
28	11.4/23	A 20/20	64.	6.2/11	C Coming of Age												
29.	11.2/20	F Married...With Children	65.	6.1/13	C CBS Friday Movie												
30	11.0/21	C Doctor, Doctor	66	6.0/13	A Man Called Hawk. special												
31.	10.8/22	N ALF	67	5.9/13	C Paradise												
32.	10.7/20	N Hogan Family	68	5.8/11	A ABC Thursday Night Baseball												
33.	10.6/19	C Miss Teen USA	69	5.8/12	F 21 Jump Street												
34.	10.5/19	A ABC Sunday Movie	70.	5.7/12	C Tour of Duty												
35	10.5/21	F America's Most Wanted	71.	4.9/11	F Cops												
36.	10.2/23	N Amen	72.	4.6/10	N Jim Henson Hour												

Syndication * Scorecard			
(Week ending July 23)			
Rtg.		Stns.	Covg.
1	12.0 Wheel of Fortune, synd.	227	99
2	11.0 Jeopardy!	241	99
3	9.4 Star Trek	231	97
4	8.6 Cosby Show	198	98
5	8.5 Oprah Winfrey Show	212	99
6	8.3 Wheel of Fortune, wknd.	212	93
7	6.7 Current Affair	148	91
8	6.4 Entertainment Tonight	170	94
9	6.0 Donahue	228	99
10	6.0 Geraldo	202	99
11	5.7 Star Search	148	95
12	5.5 Mama's Family, synd.	188	92
13	5.5 People's Court	187	93
14	5.1 Final Report, special	121	88
15	4.9 Orion Galaxy Network	132	89

The following programs are included, but not ranked:
9.8 World Wrestling Fed. 250 96

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House moves to curb violence on TV

House waives antitrust laws for three years in effort to encourage Fifth Estate to establish voluntary anti-violent programing guidelines

Signaling their displeasure with the amount of violence on television, the House last week passed a measure that encourages the Fifth Estate to establish voluntary guidelines to curb violent programing. Despite some protest, it breezed through 399-18.

The House followed the Senate, which adopted a similar code bill in May that also targets sexually explicit material and portrayals of illegal drug use (BROADCASTING, June 15).

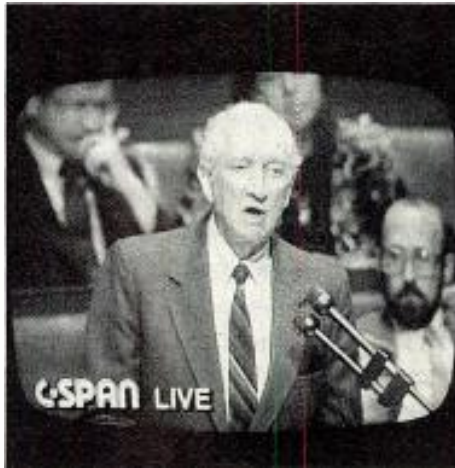
H.R. 1391 would waive current antitrust laws for three years to enable broadcast, cable and program production interests to meet and devise a voluntary code. The bill's sponsors are quick to point out that it does not include any sanctions for failing to meet, failing to adopt guidelines or failing to adhere to any guidelines. Nor does the legislation say what the violent programing definition includes.

But to Congressmen Don Edwards (D-Calif.) and Howard Berman (D-Calif.), the bill is unconstitutional. It "manipulates" antitrust laws to bring about government censorship, said Edwards, adding: "The message from Big Brother to TV executives is clear: 'If you don't comply—watch out!'" Furthermore, the lawmaker pointed out that the three television networks already have programing standards review processes that deal with violent programing. "The proper place for TV programing content to be decided is in our homes and our communities."

Berman said the measure would set a dangerous precedent. "The problem is that while on its surface this bill does not seek to impose a level of censorship, through indirection it leads and it provides a government patina of control of television that I do not think is good public policy," he said.

Industry organizations do not like the initiative but chose not to fight the proposals. The three major broadcast television networks appear willing to participate in discussions but are skeptical a consensus can be reached among such divergent groups (see "Top of the Week"). Furthermore, if the code is to cover sex, violence and drug use, industry sources feel the problem will be exacerbated.

A House-Senate conference committee will have to reconcile differences between the two versions when the Congress returns in September from its August recess slated to begin last Friday (Aug. 4). It is uncertain if the Senate will stick to its version. An aide to Senator Paul Simon (D-Ill.), who wrote the original violence bill, indicated



Representative Brooks, leader of proponents of bill to curb TV violence

that the senator feels the "differences can be successfully worked out." But House Judiciary Committee Chairman Jack Brooks (D-Tex.) has made it clear that the House wants to keep the violence bill free of other issues.

During the one-hour debate, proponents, led by Brooks, argued for passage. They said it will help the television industry, which has been reluctant to act in this area because of "antitrust anxiety."

Moreover, there is no threat, "expressed



Representative Edwards believes bill is unconstitutional

or implied, of further action by Congress in the event that the opportunity presented by the Television Violence Act produces nothing," said Congressman Dan Glickman (D-Kan.), a key sponsor.

"There is significant empirical evidence that television violence encourages aggressive behavior in children, deadens their sensitivity to the existence and consequences of violence in the real world, and fosters a belief that violence is an acceptable way to resolve conflict," stated Glickman. —KM

Lowest unit rate revamp debated on Hill

New bills would make political ads nonpreemptible and give candidates fixed spots at lowest unit rate

"If the market is good, you might be able to get a cheaper rate," Catherine Farrell, president of Farrell Media Inc., a political consultant who buys time for Republican candidates, told a Senate Communications Subcommittee last week. "But stations can bump you without telling you. And when you're at the end of a campaign, you're paying a 100% nonpreemptible rate, with [spot] rates [on ABC's *Good Morning America*] going from \$80 to \$400." Then there was the local station that blocked her candidate out of "a cheaper rate" for a spot on a late night newscast, and provided only a spot at 11:28 p.m. that cost \$800. "All kinds of tricks are going on."

"For Richard Lamm's first race for governor of Colorado in 1974," said Jan Ziska Crawford, president of Jan Crawford & Associates Inc., who is Farrell's opposite number on the Democratic side, "I spent \$35,000 in the primary and \$50,000 in the

general...In contrast, 12 years later, I spent \$1.5 million on another statewide race in Colorado—Representative Tim Wirth's successful run for a seat in the U.S. Senate. Spots had to be purchased at the fixed rate to ensure that they would run. Many broadcasters have found ways to whittle away at that understanding due to the increased political competition for air time."

The "understanding" to which Crawford referred was embodied in the legislation enacted into law in 1972 and intended to insure that political candidates could buy broadcast time at the lowest unit rate given a station's most favored commercial client. She and Farrell were testifying before the Senate subcommittee on bills to remedy what many in Congress regard as defects in the legislation that they say deny candidates the intended benefits.

Senator Daniel K. Inouye (D-Hawaii), the subcommittee chairman, contributed to the examples with excerpts from letters from Senate colleagues—both Republicans and Democrats, he said—complaining of time charges the senators considered unfair,



Pope, Crawford and Farrell testify at hearing on political advertising

even unfathomable. One senator reported being billed \$2,100 for a spot in CBS's *60 Minutes* one week and \$3,000 seven days later.

Under consideration by the subcommittee are three similar bills—two by Senator Mitch McConnell (R-Ky.) and one by Senator John Danforth (R-Mo.)—that would allow candidates fixed spots at the lowest unit rate a station charges during a given time period and make political commercials nonpreemptible. The measures are essentially a reprise of one McConnell introduced in the last Congress. That bill, which received a sympathetic hearing late in the Congress (BROADCASTING, Sept. 19, 1988), died in committee. But Inouye was optimistic about the chances of the new lowest unit rate proposal. "I don't conduct hearings on measures that don't have a chance of passage," he said. "So I assure you we take this seriously." He said he would discuss the matter with Senator Ernest F. Hollings (D-S.C.), chairman of the parent Commerce Committee, "to see what we can do." He said he expected action by the full committee in the fall.

However, Inouye said after the hearing he would talk to the Democratic and Republican leadership of the Senate to determine whether the lowest unit rate legislation should be considered as a standalone item or as part of a general campaign reform bill. McConnell would prefer to see the bill considered on its own. During the hearing, he expressed the hope that the measure would not become "a magnet for other measures that will drag it down." The witnesses, he said, "have made the case for the bill conclusively." And Danforth called the legislation "the most significant campaign-reform issue before us....It can be passed and it will be passed."

The National Association of Broadcasters, which ran into a buzzsaw of criticism last year for its opposition to the legislation, avoided a confrontational approach last week. Lev Pope, president and chief executive officer of WPIX Inc. and a member of the NAB television board, in speaking for the NAB, renewed its opposition. He said it was "inappropriate" to single out broadcasting as the cause of higher costs. He also said the machinery in place for enforcing the law does work. And he said there was no need to protect candidates from "alleged station bias"—a danger Danforth cited. "We know of no broadcasters who have

used their time-selling process to favor one candidate over another," Pope said, adding, "FCC regulations speak loudly and clearly that such behavior cannot be tolerated." But the NAB, said Pope, was aware that Congress "may attempt to move forward" with the legislation.

Indeed, he said, in response to a Danforth comment, the NAB was not contemplating "nuclear war" against the legislation. "If we're going to be responsible broadcasters, we have to find a way of dealing with it," he said. And the NAB offered a number of suggestions for modifying the legislation to make it easier for broadcasters to do just that:

Limit the legislation to candidates for federal office, excluding state and local candidates; reduce the window for lowest unit rates from 45 days before a primary and 60 before a general election to 30 and 45 days, respectively; make a spot preemptible only after a candidate has paid for it; exempt nontypical rates such as bonus spots and makegoods from inclusion in calculating the lowest unit rates for particular time periods, and exempt from the reach of the law spots in programs that are themselves preempted or changed, such as when a sporting event runs over its scheduled time slot.

The NAB also suggested tying the legislation in with efforts to reduce negative advertising—require candidates to appear in at least 50% of each of their commercials to qualify for the lowest unit rate. Whatever NAB's purpose in offering the suggestion, one committee aide saw it as a "clever way to kill the bill. Many in the Senate are resisting such suggestions for cooling politicians' interest in negative ads.

Of the NAB's suggestions, only the proposal to limit the legislation to federal candidates stirred discussion. And that might be because one of McConnell's bills—S.743—would be fashioned in that manner. (The other, S.744, would apply to all political candidates). The issue is complicated by the fact that state and local candidates are now denied the "reasonable access" to broadcast facilities that the Communications Act assures federal candidates, which moved Danforth to ask, "Would stations refuse to sell time for some races if they had to sell at the lowest unit rate for all?" Crawford said "yes," that might happen. Still, she believed the lowest unit rate should apply to all candidates. Otherwise,

she said, nonfederal candidates "would have to pay the top rate to get on a station." McConnell's preference was to have the legislation apply to all candidates. "If it becomes a problem—with some people frozen out—we could try to get at that later."

One hope of the authors of the legislation is that it would be easier to administer than the present one. As interpreted by the FCC, candidates can obtain the cheapest rates only by buying preemptible spots. But Pope said, "There are no rate cards anymore. People bid for advertising time. Those who pay the highest price are not preempted. Those who pay the lower rate are preempted." Danforth said that has created a situation in which the FCC finds itself in a "legal quagmire" in the months before an election. The staff, he noted, "is inundated with requests for explanations of this terribly confused law." And he said that law "is not working."

One question left unresolved by the hearing was how much difference the law makes—assuming it works—in terms of the money a candidate pays for broadcast time. Pope said nonpreemptible time is twice as expensive as preemptible. Crawford said it would average out at three times as expensive, and Farrell, five times. But at bottom, the cost of lowest unit rate legislation to broadcasters would not seem excessive, according to calculations made by McConnell. He said political advertising accounts for three quarters of 1% of television revenues. The NAB's figures are different, ranging from 1.79% for the top 10 markets to 4.11% for the smallest. —LZ

Appeals court distances cable from print model

Seventh Circuit, in upholding fines against TCI, cites medium scarcity and cable's virtual monopoly

A unanimous decision by the U.S. Court of Appeals for the Seventh Circuit is providing additional ammunition for local franchise authorities seeking support for the right to impose programing requirements on cable operators. The decision holds that such requirements can be consistent with the First Amendment. And in the process, it describes cable programing, "like other forms of the electronic media," as "an economically scarce medium," one that, "unlike the traditional forms of print media...enjoys a virtual monopoly over its area."

The decision—involving Tele-Communications Inc.'s challenge of an order of the Chicago Cable Commission—is another in a series indicating that the federal courts are moving away from the concept of cable television systems as "speakers" enjoying virtually the same First Amendment rights as the print press (BROADCASTING, May 22). Indeed, the opinion, written by Judge Walter Cummings, did not distinguish the Chicago case from the two U.S. district court cases in California, in Santa Cruz and

Palo Alto, that several years ago were being cited for the proposition that cable television systems enjoyed such rights.

The Seventh Circuit's case involved TCI's appeal from a U.S. district court decision upholding the Chicago commission's order imposing a \$60,750 fine on three TCI subsidiaries that serve three areas of the city. The city claimed the subsidiaries had failed to provide the four and a half hours of local programming weekly required by their franchise agreement. The TCI subsidiaries offered material obtained from TCI affiliates in the surrounding suburban area. But, the court said, TCI did not demonstrate that the four and a half hours of local programming was "geared to Chicago, as required by the franchise agreements." The penalty involves fines of \$750 per day for each of the three franchise areas for 27 days, until TCI "remedied" the violation through an agreement with Group W, which is franchised to serve the city's two other cable areas.

TCI made a number of arguments on appeal—among them that the city had denied its subsidiaries due process and equal protection of the law—all of which the court rejected. But it was the First Amendment issue that is regarded as the most significant and far-reaching.

In affirming the district court's decision, the appeals court said it was adhering to a decision it issued in 1982 that distinguished cable television from newspapers. The court said in that decision that there were enough differences between cable television and the nontelevision media "to allow more government regulation of the former." And it used the *U.S. v. O'Brien* test for determining whether the restraints imposed by the Chicago commission passed constitutional muster: Is the regulation within the constitutional power of the government? Does it further an important or substantial government interest that is unrelated to the suppression of free expression? And is the "incidental restriction...no greater than is essential to the furtherance of that interest?"

The court held that "substantial governmental interests are at stake and fostered by local origination programming requirements. It noted that the Supreme Court, in *U.S. v. Midwest Video Corp.*, held that the FCC could require cable operators to make facilities available for local production. And Cummings, writing for the appeals court, said the local origination requirements "assure community participation in the production and programming of cable television." It also cited the promotion of "localism" as one of the benefits flowing from those requirements.

In that connection, Cummings cited *Quincy Cable TV Inc. v. FCC* for the principle that "localism" qualifies "as an important or substantial government interest." Cummings noted that *Quincy*—better known for declaring the commission's original set of must-carry rules unconstitutional, in 1985—"invalidated all-encompassing" rules. But Cummings said that the U.S. Court of Appeals in Washington, in *Quincy*, "assumed that less burdensome regulations furthering an important or substantial government interest would be per-

missible under the First Amendment."

As for "the congruence" between the means chosen by the city commission and the ends it seeks to achieve, Cummings says the former is no greater than necessary. The reason, he says, is "medium scarcity." He then ignores the traditional arguments of the cable industry that its members compete with over-the-air broadcasters, with programming delivered by satellites to home earth stations, with VCRs and with wireless cable.

For he calls cable programming "an economically scarce medium," and says "a cable programmer enjoys a virtual monopoly over its area, without the threat of an alternative provider." Accordingly, he adds, "the government is duty-bound to recognize the effects of 'medium scarcity' by ensuring that the few programmers who are granted a franchise make optimum use of it. With this in mind, it is within the city's rights, arguably its responsibilities, to proffer some requirements guaranteeing that the cable customers are, to the extent possible, accorded a range of programming from the franchisee, since the cable viewing public has no other channel to which to turn."

The court also takes note of the amount of local origination being required. "The city is not seeking a dominant interest in [the cable systems'] cable programming, nor even a substantial interest, but simply a few hours a week." And in none of those hours, Cummings says, are the cable systems required to provide a specific program, kind of show or editorial viewpoint—provided the particular episode "is geared to Chicago." Given the benefits to the community, Cummings says, "this four and one-half

hour weekly obligation is sufficiently modest to avoid First Amendment prohibition."

Cummings and the judges who joined in the opinion—John Coffey and Michael Kanne—evidently had considerable difficulty in reaching agreement. After noting that their decision, in the case that was argued on June 8, 1988, was not made until 13 months later, the judges said in a footnote that the delay "was caused by lengthy panel deliberations about the outcome."

Attorneys who represent the cities in their franchise disputes with cable systems clearly view the decision as a win. Nicholas Miller, for instance, sees the decision as consistent with "a trend toward recognizing the world as it exists." He added, "There must be a substantial government oversight of cable, and the First Amendment does not preclude that. Everybody has to be sensitive to protecting the editorial freedom and integrity of the media, including cable television. But that is to be distinguished from ignoring cable's potential for abuse of its competitors and permitting it to operate as though it had no public interest obligation to the community."

To lawyers representing cable interests, there was good news and bad news in the decision. Frank Lloyd, of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, said, "To the extent the industry seeks the safety of a limited-entry franchising scheme in return for local origination programming, access programming, franchise fees and similar franchise commitments, this decision will be comforting. To those who believe that the ultimate goal should be to free cable to act as a totally independent editorial publishing medium, the decision will be very disquieting." —LZ

'Preferred' judge sets hurdles for city

In case remanded from Supreme Court, judge says city must show that poles and conduits cannot physically support more cables; trial date in six-year-old case not yet set

As Preferred Communications Inc. and the City of Los Angeles approach trial of the case that could go far toward establishing the law that will govern cable franchising, it is clear the city will have high hurdles to clear in establishing the constitutionality of some of its franchising requirements. U.S. District Judge Consuela Marshall, in a series of formal rulings on motions filed by the two parties, ruled, for instance, that the city must demonstrate that the poles and conduits in the area of the city Preferred wants to serve cannot physically carry the cables of more than one cable operator.

The case—one of the most celebrated in the history of cable franchise disputes—is back in district court on remand from the Supreme Court. The high court three years ago ruled that cable systems' activities "implicate" First Amendment interests but that they must be balanced against "societal interests." The district court is to sort out the conflict on the basis of a record to be made at trial.

Marshall issued her preliminary rulings on the motions following oral argument in

March. And the city was cheered by her ruling that the so-called *O'Brien* standard would be used for resolving the First Amendment issue. *O'Brien* requires a determination of whether a government regulation impinging on speech furthers an important government interest unrelated to the suppression of free expression, and is no broader than necessary to further that interest. Preferred had urged the court to follow the standard laid down by the U.S. Court of Appeals for the Ninth Circuit, which held that cable television is entitled virtually to the same First Amendment protection as the print media.

Marshall, in her formal rulings, said "cable television better lends itself" to an *O'Brien* standard of review. But she also said, quoting the decision of the U.S. Court of Appeals in Washington in *Quincy Cable TV Inc. v. FCC*, that content regulation "will be upheld, if at all, only if the government adequately carries a significantly heavier burden of justification"—heavier, that is, than in cases where a regulation affects speech only incidentally and furthers a substantial government interest. The city's lawyers were not clear on how she would apply *O'Brien* to the "heavier burden" test.

But the question of whether the South Central utility poles and conduits are physically capable of meeting the requirements

of more than one cable operator—as Preferred says they are—is subject to a “high level of judicial scrutiny,” Marshall said. “The city’s economic interest in maintaining one cable operator per region does not, by itself, constitute justification” for the city’s “one area/one operator” requirement,” she said. Indeed, if Preferred’s contention regarding the poles and conduits is proved, the one area/one operator requirement is unconstitutional. For, Marshall said, it creates a serious risk that city officials will discriminate among cable providers on the basis of program content.

Marshall said other franchise provisions also were subject to the “high level of

judicial scrutiny.” One states that an important consideration in the selection of a cable franchisee will be “the participation of individuals and/or groups from the local community in the ownership and operation of the cable systems.” Another says that the city considers the overall character of a cable franchise bidder and its principles in deciding who should be awarded a franchise and chooses the operator it deems “best” for each franchise area. And a third requires a franchise bidder to agree to provide various mandatory access channels—for use by the city, educational institutions and the general public—as well as two leased access channels.

However, Marshall said a “universal service” requirement is only an incidental burden on speech, and not unconstitutional. “The city has articulated a substantial and important governmental interest—assuring cable service to all, regardless of income—in promulgating and enforcing such a requirement.”

The date for the start of the trial to provide the record the Supreme Court said is required has yet to be set. The case—which has its origins in Preferred’s refusal to comply with the city’s franchise requirements while seeking permission to serve the South Central area of the city—will be six years old in September. —LZ

Patrick says good-bye with four new DBS application grants

Flexible spectrum use compromise divides ‘shares’ in complex pattern

Near the end of his last open meeting as FCC chairman, Dennis Patrick took obvious pleasure Aug. 2 in approving a Direct Broadcast Satellite (DBS) application order that met his belief that, through spectrum use flexibility, the government can protect the public interest without severely damaging marketplace incentives.

Although the adopted action clearly sought to maintain an open path for the development of divergent DBS plans, the complex package of “partial” grants had several interested parties scratching their heads over what had happened.

In assigning 11 direct-to-home, high-power TV channels to four new applicants, eight channels to two established permittees that had requested that number and 27 channels to two other permittees each previously assigned 32 channels, the commission at least partially met the requests of all established permittees and new applicants. In doing so, the FCC also appeared to balance three objectives that had, during the past six months, appeared contradictory and insoluble—accommodating all applicants, insuring efficient use of spectrum and heeding warnings from several permittees that splitting the spectrum pie too many ways might preclude the launch of any viable DBS service.

However completely those objectives will, in practice, be met, Patrick was satisfied that, among very diverse proposals, none had been locked out for good by too narrow a ruling. Spectrum, said Patrick, “ought to be used in the way that best serves the public. In fact, the FCC doesn’t always know how” to accomplish that. “Therefore,” he said, “I’m especially excited about the provisions of this order and proposal that go to the question of flexibility.”

Patrick, during a glib exchange of farewells with Mass Media Bureau Chief Lex Felker, at one point called the latter “Flex Felker.” And in his comments on the order, the outgoing chairman said: “I think that some measure of flexibility will increase spectrum efficiency; will insure that DBS operations will be afforded an additional revenue stream [through alternative data, voice or other services via DBS channels not used

for TV], which may be crucial.

“And, most importantly,” Patrick said, the flexibility of the action will insure that “spectrum will gravitate toward the best use for the public.”

Despite that positive appraisal, initial reaction from DBS permittees indicated that one person’s flexibility might be another’s confusion, at least temporarily. So complicated was the rabbit-out-of-a-hat decision that several permittees who had witnessed the meeting were afterward unsure of how many channels at how many orbital positions they and others had been assigned. Veteran satellite operator and long-time DBS permittee Hughes Communications, the lead proponent of a cable-TV-like 32-channel service, said only that the action was “much more complicated than we expected” and that “it will take some time to understand all the ramifications.”

The FCC, which had delayed action on the applications the previous month, was “caught between a rock and a hard place,” said another DBS player. Indeed, most observers had expected the FCC could please only one of essentially two camps: permittees that propose cable-TV-like 32-channel services from a single orbital slot or, on the other hand, new applicants and permittees that propose more modest eight- to 16-channel services. There appeared not to be sufficient spectrum for both camps to test their theories on the most viable way to get high-power DBS off the ground.

Key to the dilemma, the commission faced a fifth round of DBS applicants whose requests had outstripped available DBS spectrum. To avoid the role of prejudging the viability of any of the applicants, and to assure efficient use of all the DBS spectrum—including four of eight slots that can reach only the western half of the U.S.—the FCC last January proposed splitting all orbital assignments into pairs and limiting the number of channels at each.

In comments on that proposal, on one side, Hughes, for example, argued that providing the maximum number of channels from a single spot in the sky will be necessary to make DBS competitive with cable and broadcast TV. Others, including Stanley S. Hubbard, argued that consumers would be willing to buy steerable antennas to gain the benefit of not 32, but up to 128 channels.

Hubbard said last week that, from the

beginning, his DBS permittee, United States Satellite Broadcasting Co., has believed that “there is no way that the U.S. government is going to allow one company to operate all 32 channels at one orbital slot. I don’t care if Hughes has 27 channels because I do not think they are going to keep them anyway.” Hubbard applauded in particular Commissioner Patricia Diaz Dennis’s Aug. 2 statement that the commission might eventually need to limit concentration of ownership in DBS by adopting channels-per-permittee limits. She offered 64 channels as an example of such a limit.

Hubbard, whose company was granted its request to operate an eight-channel service, hailed the grants as “wonderful and in the public interest. Everybody is taken care of in an orderly fashion, and we can all go ahead and try to launch our services.” The four new permittees, Continental Satellite Corp., EchoStar Satellite Corp., Directsat Corp. and Direct Broadcast Satellite Corp., will have one year to sign contracts with satellite builders and get under way. Hughes, USSB, Advanced Communications and Dominion Satellite Video have already done so.

The commissioners deferred action on Media Access Project’s petition to deny the application of Tele-Communications Inc.-controlled Tempo Satellite Inc., requesting further information on MAP’s charge that, because TCI has been convicted of antitrust violations, the nation’s largest cable operator should be disqualified (see box, page 73). There is no substance to the petition to deny, said TCI’s Bob Thomson.

Although Tempo’s application was deferred, the commission reserved for it a “pro-rata share of channels,” 11, five short of its request. “We are disappointed that we didn’t get more slots. One stands a better chance of making it a business if one has more slots.”

In the meantime, orbital slot assignments remain unsettled. Because Hughes and Advanced Communications can only accomplish their 50-state, single orbital slot proposals from one of the four 50-state slots in the DBS orbital arc, the viability of their application depends not only on how many channels they are assigned, but also on the orbital position, which will be assigned only after each permittee demonstrates due diligence by beginning construction of a

DBS bird, said Mass Media Bureau attorney Bruce Romano.

Advanced Communications President Daniel Garner, describing himself as "a reasonably satisfied man," and Hubbard expressed concern over the status of orbital position requests. Advanced's grant of 27 degrees and USSB's grant of eight—both at the same orbital slot, by both men's accounts—would together exceed the 32 channels available at any one slot by three. According to Romano, Advanced had not yet been assigned a slot.

In an implicit recognition that not all the players' proposals are destined to become reality, the FCC made clear that permittees will have the chance to increase their channel allotment if other permittees drop out. If channels are relinquished in the future by any of the permittees, said the action, "remaining permittees from this group will have the first right" to those allocations.

Finally, the action also dismissed the National Black Media Coalition's petition to deny four DBS applications on equal employment (EEO) opportunity grounds. Diaz Dennis, however, questioned the FCC's argument that, as nonbroadcast service providers, DBS permittees are specifically excluded from formal EEO requirements. "Why," she said, "should EEO requirements depend on whether customers must pay for services?" The order required each applicant to amend its application to "conform with the Model EEO program or to more clearly state its intention to operate as a nonbroadcaster. —PDL

TCI-DBS bid deferred

Although the FCC set aside 11 DBS channels for Tempo Satellite Inc. at last Wednesday's open meeting, it will not grant Tempo the channel until it is satisfied that Telecommunications Inc., Tempo's parent company and the nation's largest cable operator, is fit to be a broadcast licensee.

Media Access Project, representing the National Association for Better Broadcasting and the Telecommunications Research and Action Center, had petitioned the FCC to deny the TCI/Tempo application, arguing that a \$36 million antitrust judgment against TCI in 1986 disqualified it on character grounds from holding a broadcast license.

The FCC could have dismissed the petition or designated a hearing on TCI's character before an administrative law judge. But it opted for a third course: collecting more information ("Closed Circuit, July 24).

The day before the open meeting, FCC Mass Media Bureau Chief Lex Felker sent a "three-page" letter to Tempo to "determine TCI management's and principals' participation in, approval of, and knowledge of the events which resulted in the judgment against TCI."

The judgment stemmed from a suit brought in federal court by Jefferson City, Mo., in connection with TCI's bid to renew its franchise there.

TCI's Bob Thomson said there was nothing to the charges raised by MAP. "It's been established for some time that the company really had no knowledge, participation or approval of what happened in Jefferson City," he said, echoing Felker's letter.

"TCI has gone through several successful licensing procedures since Jefferson City," he said. "The inquiry letter was sent because of strategic legal considerations at the FCC that are not remotely connected with anything that had to do with Jefferson City," he said.

MAP's Andrew Schwartzman said he was pleased the FCC "has found that our charges cannot be overlooked," but added a parting shot aimed at FCC Chairman Dennis Patrick and other Reagan appointees. They "did not care about misconduct by applicants coming before them," he said. "We hope that the new chairman [Alfred Sikes] will be more willing to insure that the law is enforced."

The questions in Felker's letter are aimed at determining, among other things, the involvement of TCI's top management in the events that led to the antitrust judgment and its response to the judgment. Specifically, it requests information on the duties and role of J.C. Sparkman.

Mayors, municipal officials launch campaign to reregulate cable

Senator Metzenbaum says legislation reregulating cable could pass in Congress if mayors actively lobby their national representatives

A group of 19 mayors and other municipal elected officials gathered in New York last week to complain about the performance of local cable operators and to kick off a campaign to win greater power to regulate cable. Speaking before the group, Senator Howard Metzenbaum (D-Ohio) said that legislation to reregulate the cable industry had "as much as a 50-50 chance" of passing Congress this year.

In what co-host New York City Mayor Ed Koch called a kickoff for the job of reregulating cable television, the assembled officials, including Metzenbaum, focused on their desire for local regulation of cable systems in the absence of effective competition from another cable system or multichannel video programming distributor. The meeting, which also had Tucson Mayor Tom Volgy as a co-host, was affiliated with the National League of Cities and the U.S. Conference of Mayors.

Metzenbaum told the 19 mayors and council members (mostly from eastern states) that the FCC's determination, in the context of the 1984 Cable Act, that three over-the-air broadcast channels were adequate competition in the market for a cable

system was "the most absurd, unbelievable, stupid conclusion" that he had seen a government agency make. Metzenbaum mentioned the legislation that he had in the Senate that would redefine competition as that from a multichannel video distributor such as another local cable system or a wireless cable distributor. Metzenbaum also spoke against the withholding of programming from cable competitors such as wireless cable operators, and he mentioned his legislation making programming available to competing technologies.

The Time-Warner merger, he said, was "an abdication of responsibility" on the part of the antitrust division of the Justice Department and the Federal Trade Commission.

Metzenbaum told the mayors that cable reregulation could pass in Congress this



Tucson Mayor Volgy and NYC Mayor Koch

year only if they actively lobbied their national representatives. To pass a resolution would be meaningless, he said.

While the mayors issued a resolution calling for increased power to regulate cable and for greater competition in the cable marketplace, the group announced no specific plans for a lobbying effort. Mayor Koch suggested that the group take out a full-page ad in *The New York Times*, but support for his plans was tentative.

For part of the half-day meeting, the elected officials took turns airing their specific grievances against local cable operators.

After recounting that his city's cable system has changed hands three times in the past five years (including the definitive agreement reached last month for its sale by Jack Kent Cooke), Volgy complained that he was powerless to say no to a transfer of ownership even though he knew a transfer could have "a profound influence on service."

The cable industry has a dual attitude of "Damn the public and cater to the politicians," said Newark, N.J., Mayor Sharpe James. Citing programming such as a mayor's show on cable and the carriage of council meetings on local origination channels, James said that "those of us who got on the gravy train...must now hear the hue and cry from the people." —GM

Broadcasters file brief appealing FCC indecency rule

Seventeen media groups, using the Supreme Court's decision in June in the so-called "dial-a-porn" case as their principal weapon, last week attacked the constitutionality of the the FCC rule and the underlying statute imposing a flat, 24-hour ban on the broadcast of indecent speech. The groups, in their brief appealing the commission rule, argued that the Supreme Court decision declaring unconstitutional the statute banning commercial, sexually explicit messages on a round-the-clock basis confirms that the broadcasting statute is also "patently unconstitutional."

The media groups did not rely only on the high court decision in *Sable Communications of California v. the FCC*, in urging the U.S. Court of Appeals in Washington to overturn the indecency ban. They noted that the Helms amendment dealing with broadcasting was enacted on Oct. 1, 1988, and translated into a commission rule on Dec. 21, 1988, following by several months a decision of the same appeals court remanding an earlier indecency case—*Action for Children's Television v. FCC*—to the commission. The court asked the commission to provide evidence supporting its order reducing the size of the safe harbor given indecent broadcasting, from 10 p.m. to 6

a.m. to midnight to 6 a.m. (BROADCASTING, Aug. 1).

The holding in both *ACT* and *Sable*, the petitioners argue, is that the First Amendment protects indecent, nonobscene speech. It is equally clear, they add, quoting a Supreme Court decision handed down in 1957, that government cannot impose a blanket ban on such speech "and thus 'reduce the adult population' to seeing and hearing 'only what is fit for children.'" They also contend that "government's sole legitimate interest in regulating indecent speech is to assist parents in supervising their children's listening and viewing, not to supersede parental authority entirely." And they say that, for more than a decade, regulation of indecency "has taken the form of channeling indecent speech to times of the day when most parents are able to supervise their children."

The brief also argues that the commission's "generic definition of indecency" incorporated by the statute is unconstitutionally vague. It said it will consider "indecent" any "language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs." As the brief acknowledges, the appeals court in the *ACT* decision upheld the definition—but said that "vagueness is inherent" in the commission's definition of indecency, and would welcome "correction from a higher authority." The petitioners say they are arguing the issue again to preserve it for

possible Supreme Court review.

Lead petitioner in the case is Action for Children's Television. —LZ

House judiciary panel tackles telco entry

The Bell operating companies' efforts to get into the information services business (including cable TV) and to manufacture equipment came under further congressional scrutiny last week. This time, a House Judiciary subcommittee panel convened two days of hearings and, judging from the remarks of Chairman Jack Brooks (D-Tex.), the telcos may have a tough sell.

Brooks did not seem eager to tamper with the modified final judgment issued by District Court Judge Harold Greene, which bars the BOC's from offering information services. "In my view, the competitive environment fostered by the consent decree and supervised by Judge Greene has been greatly beneficial to our system," said the chairman.

And he warned that "the Judiciary Committee, in whatever it decides, will not permit a return to the days of coercive 'bottle-neck' practices, so harmful to the industry and consumers alike." We cannot, he said, "sanction any system that would lead us back to the type of cross-subsidization and discrimination that was the basis of government's antitrust case in the first place."

Brooks's comments were encouraging to BOC opponents, who welcomed the Judiciary Committee's inquiry. Less encouraging is the activity in the House Energy and Commerce Committee, whose chairman, John Dingell (D-Mich.), hopes to move a bill (H.R. 2140) that would preempt Judge Greene's regulatory control over the BOC's and restore that authority to Congress. Moreover, he seems willing to consider modifying the prohibitions on the telcos.

Arguing to preserve the MFJ prohibitions on information services was *Newsday* publisher Robert Johnson, who testified on behalf of the American Newspaper Publishers Association, and Washington attorney Philip Verveer of Wilkie Farr & Gallagher, who represented the National Cable Television Association.

According to Verveer, the MFJ "worked well.... Antitrust enforcement may not be fashionable, but it remains the fundamental underpinning to our economy."

Johnson said ANPA would not object to the BOC's becoming electronic publishers as long as it was outside their service area. "If BellSouth wants to become an electronic publisher in New York, I have no problem with that," said Johnson.

Johnson also thought the Judiciary Committee's entry into the debate is "very important" because it insures that the antitrust concerns involved in this discussion will get a thorough airing. Asked if the hearings might be considered a setback for the BOC's, Johnson replied that it could in the sense that the telcos were "hoping Congress would consider this only in terms of telecommunications. Whether it is a substantive setback, the jury is still out." —KM



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IRS toughening up on broadcasters, cable

It makes position clear on tax depreciation and may get help if House bill passes; broadcasters get questionnaire this week

Within the past month there have been several developments restricting deductions taken by broadcasters and cable operators on their taxable income. According to media companies' tax experts, none of the developments are final but they may end up increasing the tax burden of the Fifth Estate.

Within the past 30 days the Internal Revenue Service has published its decision to withdraw a 1987 private letter ruling that said acquired cable franchises qualified as a "class" of assets depreciable according to Section 1253 [section (d)(2)] of the tax code. It was the earlier ruling, said Preston Barnett, director of corporate taxation, Cox Enterprises, which cable operators had used to justify that depreciation, and which broadcasters had also used to justify depreciation of network affiliation agreements and FCC licenses, thereby reducing taxable income and thus taxes owed ("Closed Circuit," Feb. 20).

Another example of the IRS's toughened stance was said to be its suggestion that Knight-Ridder withdraw its request for another ruling on the depreciation question, a suggestion that Barnett said the service often makes when it is inclined to issue a negative ruling.

The fact that the certain IRS officials are against allowing broadcasters and cable operators the depreciation is not determinative, said Barnett, who noted that many operators continue to get at least partial depreciation in settlements with the service. The IRS is willing to settle at the appellate conferee level in part, he said, because of the uncertainty of whether it would prevail in tax court. Indeed the IRS is split, Barnett said, because the technical division believes current law supports the position of broadcasters and cable operators.

Thus, the importance of the bill currently in markup before the House Ways and Means Committee that would change section 1253 (BROADCASTING, July 17). That bill, part of the committee's attempt to raise \$5.3 billion in additional revenue, would eliminate depreciation of any acquired franchise or similar arrangement worth more than \$100,000. The proposal would be effective on any sale—or sale subject to a binding contract—dated after July 10, 1989. J. Michael Hines, of Dow, Lohnes & Albertson, said that although the proposal will likely survive votes of both the Committee and full House, it may have a rougher time in achieving Senate support. Committee documents claim that elimination of

the section, applying also to fast food and other franchises, would boost tax revenue by \$55 million in 1990, \$90 million in 1991 and \$115 million in 1992.

On a separate tax issue, questionnaires will go out this week asking broadcasters about the use and useful lives of equipment. The survey is part of a Treasury Department study, mandated by the 1986 tax reform act, that may result in lengthening the time over which broadcasters must depreciate such equipment, thereby also increasing the current tax burden.

Cox's Barnett said that the NCTA has retained the accounting firm of Peat Marwick Main & Co., to conduct an equipment survey of a limited number of cable systems. The Treasury Department has indicated it may let the survey suffice in place of a more comprehensive effort. —GF

Viacom, Turner report high second-quarter earnings

Viacom and Turner Broadcasting System reported high second-quarter revenues last week, while both continued to report a net loss applicable to common shareholders.

TBS reported record second-quarter revenue of \$264.5 million, up 33% from the corresponding quarter one year earlier. Operating profit was up 88% over the same time period to \$57.4 million.

The company said that its entertainment segment had revenue 47% higher than the second quarter of 1988, as a result of the addition of Turner Network Television and an 18% increase in revenue for the rest of the segment, consisting primarily of Superstation TBS. Revenue for the news segment grew 33% from both advertising revenue and subscriber fees. Operating profit for the segment grew at a greater rate, according to TBS.

The company showed a net loss of \$6.1 million applicable to common stock for the quarter, and said it expected to show a net loss for the full year of 1989.

Viacom's revenues for the quarter were up 22% for the quarter to \$363.9 million. The company's net loss attributable to common stock was \$34.7 million, compared to \$44.7 million for the second quarter one year earlier. Operating income was down 22% to \$25.6 million as a result of noncash charges for the company's stock-based long-term compensation plan.

Operating income for Viacom's entertainment division was \$20 million, up 368% from the second quarter of 1988.

SOLD!

KHJJ/KKZZ (FM), Lancaster, California, has been sold by Valley Wide Broadcasting, Inc., for \$3,600,000 to Eric/Chandler, Ltd.

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thanks to off-network syndication of *The Cosby Show*.

Breaking down operations for MTV Networks and Showtime, the company said that earnings from operations for MTV were up 21% over last year to \$17.9 million. While revenue for Showtime was up 15% this year to \$118.8 million, the operation showed a loss of \$1.3 million com-

pared to a loss of \$5 million for the second quarter of 1988.

Operating income from Viacom's cable television segment was nearly the same as second quarter 1988, at \$14.9 million. Excluding the results of systems that were sold earlier this year from the 1988 figures, earnings from operations would have grown 34%. □

Changing Hands

KCRN(TV) Reno, Nev. □ Sold by The Cord Foundation to Sunbelt Broadcasting Co. for \$24,450,000. **Seller** is headed by Edward Neuhoff, William Bradley and James Elliot, who have no other broadcast interests. **Buyer** is headed by James E. Rogers and Louis Wiener. Sunbelt also owns KNMZ-TV Sante Fe, N.M., and KYMA(TV) Yuma, Ariz. KCRN is NBC affiliate on ch. 4, with 17.4 kw visual and 3.4 kw aural and antenna 420 feet above average terrain.

WLvk-FM Statesville, N.C. □ Sold by Capitol Broadcasting Corp. to Trumper Communications Inc. for \$7 million. **Seller** is headed by Kenneth Johnson and also owns WMJJ(FM) Birmingham, WKSJ-FM Mobile and WKSJ(AM) Prichard, all Alabama; WRKA(FM) St. Matthews (Louisville), Ky.; WTRG(FM) Rocky Mount, N.C.; WGF(FM)

Gallatin (Nashville), Tenn.; KQFX(FM) Georgetown, Tex.; WCAW(AM)-WVAF(FM) Charleston, W.Va. **Buyer** is owned by Jeffrey Trumber, who also owns WLAP-AM-FM Lexington, Ky.; KQQL-FM Anoka, Minn.; KKCW-FM Beaverton, Ore. WLvk-FM is on 96.9 mhz with 100 kw and antenna 1,250 feet above average terrain.

KMG(TV) Honolulu and KVHF(TV) Kailua-Kona, both Hawaii □ Sold by Mount Wilson FM Broadcasters Inc. to Oceania Broadcasting Network Inc. for \$4.3 million. **Seller** is headed by Saul Levine, who also heads KRTR(FM) Kailua and KULA(AM) Manuawili, both Hawaii, and KKGO(FM) Los Angeles; KSHO(AM) Hesperia, KSUR(FM) Greenfield and KKJZ(AM) Soledad, all California. **Buyer** is owned by Christopher Racine, who has no other broadcast interests.

Buyer shall assume certain liabilities and obligations of seller. Total purchase price of \$4.3 million includes covenant not to compete for period of five years; it is valued at \$250,000. KMG(TV) is independent on ch. 26 with 100 kw visual and 7.59 kw aural with antenna 2,170 feet above average terrain. KVHF is independent on ch. 6 with 5.13 kw visual, 513 kw aural, and antenna 2,059 feet above average terrain.

KHJJ(AM)-KKZZ-FM Lancaster, Calif. □ Sold by Valley Wide Broadcasting Inc. to Eric/Chandler Ltd. Inc. for \$3 million ("In Brief," June 26). **Seller** is headed by Laurence and Judith Rutter (husband and wife), and George Schrader. They have interest in KDHI(AM)-KQYN(FM) Twentynine Palms and KNGT(FM) Jackson, all California. **Buyer** is owned by Robert Geddes and Thomas Miserendino. They are licensees of KCBA-AM-FM San Diego. KHJJ is on 1380 khz with 1 kw day. KKZZ-FM is on 106.3 mhz with 3 kw and antenna 210 feet above average terrain. **Broker: Media Venture Partners.**

KMYX(FM) Oxnard, Calif. □ Sold by Michael Thomas to Eric/Chandler Ltd. and Patrick Finn for \$1.8 million. **Seller** has no other broadcast interests. **Buyer** is headed by Robert Geddes and Thomas Miserendino, who are also purchasing KHJJ(AM)-KKZZ(FM) Lancaster, Calif. (see above). KMYX is on 105.5 mhz with 102 w and antenna 1,357 feet above average terrain. **Brokers: William A. Exline Inc. and American Radio Brokers.**

WXKO(AM) and new FM Fort Valley, Ga. □ Sold by Valmedia Inc. to S&M Broadcasters Inc. for \$550,000. **Seller** is owned by Dollie D. Horton, who has no other broadcast interests. **Buyer** is headed by Lamar and Doris Studstill (husband and wife); Owen L. and Melenda Studstill (husband and wife); Cole C. Studstill and Kimberly B. Studstill (husband and wife). Owen and Cole C. Studstill are sons of Lamar and Doris Studstill. They all have following broadcast interests: Lacom Communications Inc., WXRK-AM-FM Swainsboro, Ga.; Southwestern Video Inc., and WXXX-FM Pana and WLGC(AM) Mendota, both Illinois. WXKO(AM) is on 1150 khz with 1 kw-day. New FM is on 97.9 mhz with 3 kw and antenna 100 feet above average terrain.

WGMF(AM) Watkins Glen and WNGZ(FM) Montour Falls, both New York □ Sold by Twin Tiers Communications Inc. to Northeastern Broadcasters Inc. for \$400,000. **Seller** is headed by Thomas and Marian Haight (husband and wife), who have no other broadcast interests. **Buyer** is headed by Edward Valenta, who runs vacuum business in Endwell, N.Y., and E. Guy Nichols, account executive at WENE(AM) Endicott, N.Y. WGMF is on 1490 khz with 1 kw-day. WNGZ is on 104.9 mhz with 1.15 kw and antenna 480 feet above average terrain. **Broker: Kozacko-Horton Co.**

WKZG(FM) Keyser, W.Va. □ Sold by Jones-Powers Broadcasting to Prosperitas Broadcasting Systems for \$300,000. **Seller** is headed by Joseph and Carolyn Jones (husband and wife) and Joseph D. Powers. Joseph and Carolyn Jones own Jones Eastern Radio, licensee of WXMB(AM) Surfside Beach, WYAK(FM) Garden City, WXCH(AM) Charleston and WWHT(FM) Goose Creek, all South Carolina, and WRSF(FM) Columbia and WXBG(AM)-WVBS(FM) Burgaw, all North Carolina. **Buyer** is headed by David Aydelotte and Mary Clites. Aydelotte also heads WBCB(AM) Cumberland, Md. WKZG is on 107.1 mhz with 3 kw and antenna 738 feet above average terrain. **Broker: Ray Rosenblum.**

For other proposed and approved sales see "For the Record," page 83.

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KTIV and the case of the nonexclusive exclusive video

Sioux City NBC affiliate was only station with videotape of crash of flight 232, but due to series of circumstances, particularly its availability on Conus, video was widely circulated

The dramatic footage of the cartwheeling, burning United Flight 232 that crashed near Sioux City, Iowa, on July 19 was probably one of the most-watched pieces of tape captured by a television camera this year. It would be hard to find a station that did not run the footage, not once but many times on the day of the crash and on those that followed. But whatever glory the station that obtained the pictures—KTIV(TV) Sioux City, Iowa—felt, it was diluted by anger over the fact that a story that was supposed to be exclusive—for itself and its network, NBC—turned out to be anything but. Even the local competition had it, despite what was thought to be an understanding it would not.

The pictures had been made by reporter-photographer Dave Boxum. Van Carter, KTIV's news director, had dispatched him and two other reporter/photographers to the airport after being alerted that a United DC-10 airliner was approaching the airport in trouble. Boxum set up at the runway fence at the north end of the terminal and began shooting. Of all the television people on the scene, he was the only one in position to capture on tape the plane as it emerged from behind some buildings, hit the ground and exploded into flames as it cartwheeled.

KTIV showed the footage on its 6 p.m. news show. Then NBC called, asking for the pictures by 7:30 p.m. (CT), to make a 5:30 p.m. West Coast update. KTIV lacks uplink capacity. So Carter sent a car back to the airport to deliver the tape to the Ku-band truck that had arrived from WOWT(TV) Omaha, another NBC affiliate. This is where things started going wrong.

WOWT's package for uplinking pictures to the NBC transponder on SBS III was not functioning. So the technicians in the truck put the pictures up on the Conus Communications transponder instead. WOWT, like KTIV, is a member of Conus. WOWT downlinked the pictures with its earth station, then sent them to all NBC affiliates.

The uplinking to the transponder was a revelation. "Until we transmitted the pictures to the Conus transponder, we didn't know we had the crash," said John Clark, of WOWT.

But WOWT was not the only Conus member seeing the pictures. "Every Conus station cherry-picked the footage and started using it," said Carter. Conus serves 135 stations, and spokesman Steve Blum doubts there was one that did not feature the crash footage. But Blum insists that Conus had

permission, at least after the initial round of "cherry picking," and agreed to pay the going rate—\$300 for its network and \$300 for each of its wholesale clients, *MacNeill/Lehrer NewsHour* and *USA Today*. Carter, after doing some checking, found that the program director, Dave Madson, had indeed given permission. But there was a dispute between Carter and Blum as to whether the reporter who had delivered the tape to the WOWT truck, Bruce Scheid, had given permission earlier. Carter said he had not; Blum said he had. In any case, as more than one of those involved in the incident were to say later of the events that evening: "It was an absolute madhouse."

Then there was the matter of ABC. Glen Branch of the network's Denver bureau called at about 9 p.m. central time to ask permission to use the pictures. Impressed by the courtesy, Carter said yes—but with one condition. His chief competitor in Sioux City, KCAU-TV, an ABC affiliate, was not to use the footage. No problem, said Branch.

But KCAU-TV, as its news director, Ken Gullett, was to say later, was not about to

be the only affiliate in the country not to have the pictures. Gullett was aware of the condition under which KTIV made the pictures available to ABC. But, he said later, "They made that agreement with ABC, not with me." Besides, he said, "Once the footage was sold to the network, it's available to every affiliate, because it's sent out over the affiliate feed."

KCAU-TV added insult to injury by not crediting KTIV as the source of the pictures.

KELO-TV Sioux Falls, S.D., a CBS affiliate, microwaved the KTIV 6 p.m. news show to its station and used the crash footage in the second half of its newscast, while the KTIV newscast was still on the air. But the KELO-TV news director, Mark Millege, said that was in accord with a long-standing agreement with KTIV, under which the two stations swap material, and specific permission. He said someone at KTIV—he did not know the name—left word with KELO-TV's answering service that the pictures of the crash would be on the 6 p.m. news, and KELO-TV was free to use it.

One bright spot in Carter's memory of the events of July 19 was CNN's approach.

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"CNN did it right," he said. "They asked for [the pictures], then waited until we got back to them." Carter initially turned down CNN's request, made by David Schecter, an assignment editor. Then, after recognizing that use of the footage was virtually universal, he relented. "It was too late to pull back." CNN, Carter also noted, gave KTIV on-air credit.

Carter does not feel as kindly toward CBS. "CBS was using the pictures all night, and I have yet to talk to anyone from CBS," he said. That remains one of the matters in dispute. Said CBS spokesman Tom Goodman: "We stand by our statement that we were allowed to use the video." But he declined to say more. "Any further discussion will be between KTIV and us."

Last week, Carter—when not otherwise occupied with continuing coverage of the crash and its aftermath—and with coverage of the city's largest festival of the year—was figuring out what KTIV would charge those who used the video. "Those who asked permission will be charged what we agreed on," he said. "For those who did not keep their agreement"—and here he clearly meant ABC—"we'll change the numbers. And those who took the video without permission"—and here he said he meant CBS, despite CBS's protestations of innocence—"will be charged a proportionately higher fee."

Still, considering the pictures and their impact, it seems the prices will be bargains. The prices, after all, start at only \$300 a party. —LZ

Cablecastings

New numbers

According to Nielsen, basic and pay cable had a 14% and 6% share of viewing, respectively, of total household television viewing in prime time in the June monthly status report. Network stations accounted for 62%, independents (including WRBS(TV) Atlanta) 21% and public stations 4%. In last year's report for June, basic accounted for 11%, pay 8%, networks 64%, independents 22% and public stations 4%. In cable households in prime time in the June 1989 report, basic cable viewing jumped from 18% to 23% from the year earlier, while pay again fell slightly, from 13% to 12%. Broadcast networks dropped from 54% to 52%, independents from 21% to 19%, and public stations remained unchanged at 3%. The total exceeds 100% due to multiset viewing.

Dish debate

Chuck Hewitt, president of the Satellite Broadcasting and Communications Association, will be featured during the CATA "Open Forum" during the Eastern

Cable Show in Atlanta Aug. 27. Community Antenna Television Association President Steve Effros will host the one-on-one, which will delve into home dish industry issues.

PPV order upgrade

BellSouth has introduced a new feature to its PPV telephone ordering unit that allows cable companies to verify customer accounts, identify delinquent accounts, and refuse orders from customers if the system desires. TicketTaker is in operation before more than 250,000 subscribers—in Cox Cable, Baton Rouge Cablevision and Telecable systems in the south—and expects to be before 400,000 subscribers by year's end.

On 'The Edge'

MGM/UA is increasing its production for cable, entering an agreement with HBO to produce *The Edge*, a new half-hour adult anthology series. The series, to debut in August, will be produced by The Christopher Morgan Co. Lewis Chesler is executive producer.

The series will feature actors Brad Davis, Kelly Lynch, Rutger Hauer, Christian Slater and Bridget Fonda, as well as several directors. Chesler created and produced *The Hitchhiker* for HBO.

'Scarecrow' joins Family

CBN Family Channel has acquired the rights to 88 episodes of *Scarecrow and Mrs. King*, which will run on the cable service weekdays at 11 p.m. beginning this fall. *Scarecrow* joins *Batman*, *The Virginian* and *Dirty Dozen: The Series* as off-network fare new to the service in September.

Fiber build

Southern Bell inaugurated digital-switched cable fiber to the home in a new development in Heathrow, Fla. The fiber system will be able to handle voice and data as well as video. Northern Telecom designed the fiber system for Southern Bell.

Chicago task force

Representatives from television stations and cable systems in Chicago have met to work on three areas of concern to both groups—syndicated exclusivity implementation, cable-telco cross-ownership rules and joint cross promotion efforts. The group has decided to set up a task force with representatives from both sides and convene an exploratory meeting before Labor Day, before getting down to work on the issues after that date.



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Consortium to build world's largest cable system

US West, Paramount, among group involved in Hong Kong system where penetration is expected to be 15% after first year; fees will be about \$12 per month for basic services

A consortium including telco US West and Paramount was given the go-ahead last week to build and program in Hong Kong what will be the world's largest cable system. The 1.5 million-household franchise, will take \$500 million and five to six years to complete, with launch scheduled for 1991.

US West is a 25% stakeholder in the winning consortium, which is led by Hong Kong shipping firm Wharf Holdings (with 28%) and real estate developer Sun Hung Kai Properties (27%), and includes the Hong Kong-based Shaw Brothers film and TV studio (10%), and Coditel, subsidiary of a Belgian communications and cable TV group Tractabel (10%). Paramount is advising the group on programming matters.

The franchise license not only provides for the consortium to build and operate the cable system, but also to provide its programming services as well, a factor which is expected to add several hundred million dollars to the cost of its operation over a period of several years.

The system will be technically capable of carrying more than 70 channels, but programmers will start in 1991 with 20 channels, roughly split between English-language, spoken by about 55% of the colony's 6 million residents, and Cantonese, the native language. Hong Kong currently has four broadcast stations, two English-language and two Cantonese.

The winning bidders, who beat three other groups, also gain a 15-year license for nonvoice phone services such as facsimile and videotex, and is well positioned for the deregulation in 1995 of Hong Kong's local phone services and of long-distance services in 2006.

In a statement, US West International President Reynie Ortiz, who was primarily responsible for US West's bid, characterized Hong Kong not only as a growing international communications and trading center in its own right, but also as a "gateway" to other Asian nations.

Ortiz was in Hong Kong at press time last week and unavailable for comment, but colleague Gary Bryson, president of US West's cable division, suggested that the Hong Kong franchise also establish a base for future moves into other areas of the Pacific rim and China itself.

US West, which expects to spend upwards of \$100 million to help build the system, in the last year has become a premier player in the international cable industry, with extensive holdings in Britain, in-

cluding the 460,000-home Birmingham franchise and 600,000 homes in and around London.

According to Steve Rosenberg, a Pebble Beach, Calif.-based programing consultant to the consortium, initial program offerings in 1991 will include two first-run pay movie channels (English and Cantonese) and a sports service, along with a basic package including an all-news service, a channel featuring reruns of soaps that are a staple of the area's broadcast service, a Discovery-type channel, a children's channel with an emphasis on educational material, a series of text and graphic channels, and community and government channels. A Cantonese classic movie service will be added in 1992 and a pay-per-view channel by 1993-1994, when the total offerings will number between 28 and 31.

Fees will be about \$12 a month for basic services and \$10 per month apiece for the pay channels.

Rosenberg, who said the system would be a "real showcase for Pacific Rim programing," added that the consortium is securing studio space and access to training facilities to prepare for production.

The physical building of the system will be relatively rapid because of the colony's density, according to US West's Bryson. The use of advanced fiber optic cable technology will also be eased by the number of residents living in high-rise apartments, added Bryson, who said it may be possible to use fiber right up to the edge of the larger multiple dwelling units.

Penetration is expected to be 15% after the first year, 35% after five years, 48% after 10 years, and reach a maximum of 50% after 15 years. Bryson said the operation should be cash-flow positive around year six.

Bryson explained that while the consortium was not factoring in revenue potential from voice phone operations after anticipat-

ed relaxation of Hong Kong Telecom's monopoly, he said plant design would take into consideration such future services. Hong Kong has approximately 2 million phone lines, with business lines accounting for approximately 600,000. -AAG

Distant Signals

Former NBC and MGM TV programming executive John Graves is planning a videotape program exchange with foreign governments and academic institutions and is now producing a one-hour tape on the U.S. broadcasting system to initiate the exchange. Graves, associate professor of mass communication at Central Missouri State University in Warrensburg, Mo., said he has already obtained nearly \$50,000 in industry and university grants for the video, including funding from radio rep firm Interep, but is still seeking remaining funding to complete the \$115,000 project. Industry consultants to the university program include Michael Bader of Washington law firm Haley, Bader and Potts, Ralph Guild of Interep and Gene Janowski of CBS.

Co-founder of cable sports service ESPN, Scott Rasmussen, has begun work to finance commercial independent radio and TV stations in Hungary. Rasmussen, in cooperation with U.S. Chamber of Commerce executives Richard Rahn and Lawrence Hunter, said he is currently planning meetings between private Hungarian groups and government officials and his Charlotte, N.C.-based firm, Rasmussen Communications Management Corp.

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CBO rebuts HDTV consumer acceptance forecasts

In meantime, congressional committees pass authorizations for several million dollars for government funding of HDTV research

A report released last week by the Congressional Budget Office (CBO) claimed that the forecasts of consumer acceptance of high-definition television have been overly optimistic and that "even the most optimistic market growth would be unlikely to affect other electronics industries in the way suggested by proponents of HDTV."

The CBO report immediately drew criticism from several corners, especially the American Electronics Association (AEA), a group representing more than 3,500 U.S. high-technology companies. (An earlier AEA report included a five-year plan for up to \$1.35 billion in government spending to encourage HDTV development by U.S.



Robert Reischauer

companies in order to save American market strength in semiconductors and computers (BROADCASTING, May 15).

As the CBO report was being released, committees in both houses of Congress were passing authorizations for several million dollars for government funding of HDTV research. The House Science, Space and Technology Committee passed an HDTV amendment to the authorization for the Commerce Department's National Institute for Standards and Technology (NIST) providing \$100 million a year for three years.

"We are moving forward on a congressional front and trying to complement DARPA [Defense Advanced Research Projects Agency]," said Representative Don Ritter (R-Pa.), who co-sponsored the amendment with George Brown (D-Calif.) and Norman Mineta (D-Calif.). DARPA has already begun choosing companies to have shares in \$30 million set aside for research into high-resolution display and digital processing technology, and the

House Defense authorization and appropriation bills would provide DARPA with another \$50 million for that purpose.

In the Senate last week, the Commerce Committee adopted S. 1191, which would earmark \$30 million for NIST in fiscal 1990 to encourage industry joint ventures in advanced electronics, including HDTV. The bill's author, Commerce Committee Chairman Ernest Hollings (D-S.C.), says it will "speed the development of new products and processes in order to maintain the economic competitiveness of the nation."

A new provision was added to S. 1191 prior to the committee vote. It orders the Secretary of Commerce to submit to Congress and the President within 90 days after enactment a report on the establishment of an HDTV industry. The report "must identify the components of such television, production and transmission equipment related to HDTV programing, and the development and manufacture of products also related to the computer and telecommunications industries; issues relating to licensing, regulations, international standards, international trade and specialized financing problems, and separately detail the recommendations of the Secretary on the value of federal action, including the responsibilities of different administrative agencies, time lines and plans for coordination, requirements for legislative action and funding."

Senator John Kerry (D-Mass.) was prepared to offer an amendment that would have removed antitrust barriers to allow for joint production ventures. Kerry, however, withdrew his proposal after Communications Subcommittee Chairman Daniel Inouye (D-Hawaii) reassured him that the matter would be addressed when his subcommittee convenes further HDTV hearings in the fall.

The CBO report was requested by John Glenn (D-Ohio), chairman of the Senate Committee on Governmental Affairs. "I strongly support the federal government fostering HDTV investment by the private sector, and I strongly believe government must play a role, particularly with research and development," Glenn said last Tuesday (Aug. 1) at a Governmental Affairs Committee meeting, where a preliminary version of the report was released. (The final version is to be released in the fall.) Although he did not express full agreement with the CBO report, he felt it was important to release. "While I am convinced that we must move quickly to define a national strategy for HDTV, I also believe we must proceed in a deliberative fashion," he said.

CBO examined two general questions in its report: Whether there will be a large market for high-definition TV sets and whether U.S. manufacturing of those sets is critical to competitive marketing of other

electronics components.

The report declined to chart how quickly HDTV could be accepted by consumers. It cast some doubt on the industry analyses that have predicted its success will follow a scenario similar to the introduction of color TV. "Whether consumers will value the incremental benefits of HDTV as highly is not clear, especially if there were intermediate types of advanced television to choose from."

But the effect HDTV will have on other electronics industries "seems clearer," CBO said. It claimed that there is no evidence to assume that a large HDTV market would have any effect; CBO said that while the world electronics industry grew to \$461 billion in 1988, the total world market for consumer HDTV receivers and VCR's, according to the forecasts of HDTV proponents, will be below \$30 billion in 2010.



John Glenn

"It seems counter-intuitive to suggest that a small market that may exist in the future is a more important driver of economies of scale, technology and competitive success than is the growth in the present market," the report concluded.

"Simply stating that HDTV will contain high-technology components is not enough," said CBO Director Robert D. Reischauer at the Governmental Affairs Committee meeting. The imaging and display research that would be done with the HDTV money is not unique to HDTV applications, he said.

For example, money is being spent and will continue to be spent by American companies for high-resolution computer display technology. However, the report does conclude that federal money for some HDTV-related research could be useful. DARPA's program to fund research of flat-panel displays and digital imaging could have military applications, and there could be merit in HDTV funding for reasons "other than competitiveness in the electronics sector—

for instance, employment, national prestige or scientific advancement," the report says.

Reaction from opponents to the report was swift. An hour before the report's release, AEA and the Congressional HDTV Caucus, chaired by Ritter and Representative Mel Levine (D-Calif.), held a press briefing to issue a 21-page rebuttal to an advance copy of the CBO report sent to the AEA. The main criticism in the rebuttal, written by consultant Robert Cohen for AEA, was that the CBO report "fails to consider clear trends in the world electronics industry and interprets the significance of HDTV much too narrowly." Cohen said that HDTV will be a "technology driver" for the development of flat panel displays, extremely sophisticated memory chips and other equipment. The CBO report, by concentrating on the possible spill-over from consumer HDTV receiver and VCR development, ignores other HDTV work that is

being done, the Cohen report said.

"I do believe that the report's dangerously narrow focus invalidates it as a comprehensive policy guide. The CBO study has also ignored the importance of HDTV to our entire economy...and instead has focused on the least important question, market rejection for home HDTV sets," Levine said. Levine's view was typical of others expressed over the course of the day.

Several HDTV proponents also asked: "If HDTV development is not worth heavy investment, why are so many organizations around the world putting so much money into it?" DARPA Director Craig Fields, appearing before the Senate committee, listed 26 American companies, universities, trade associations and labor unions that have put vast amounts of time and money into HDTV development. Then he reviewed the extensive work being done on HDTV in Japan and Europe. "So we've got

the CBO report and then we've got these other things," Fields said.

But not quite all reaction to the CBO report was negative. Peter McCloskey, president of the Electronics Industries Association (EIA), praised the report as "a valuable contribution. I think it takes some of the emotion out of the situation." He agreed with the AEA's claim that the report focuses on the narrow subject of consumer equipment, but said that the focus was appropriate. The CBO report resembles the "action memo" on HDTV development submitted by EIA to the House Telecommunications Subcommittee several months ago (BROADCASTING, Feb. 6). Both reports conclude that a more efficient way of shrinking the U.S. trade deficit with Japan and other countries would be by cutting the federal budget deficit rather than embarking on costly programs to fund individual technologies such as HDTV. —RMS

In Sync

Interested in government

Recognizing that there are a growing number of applications for electronics equipment by federal government agencies, Sony Corp. of America held its first Government Technology Exposition in Washington. Many of the same videotape recorders, video displays, graphics and effects and other equipment that Sony regularly shows at National Association of Broadcasters conventions and Consumer Electronics Shows, was demonstrated for government officials, emphasizing the equipments' adaptability for multiple applications. "The focus is not on new technology, but on the breadth and depth," a Sony spokesman said.

Sony officials said that decision to hold the expo was not motivated by harsh criticism of the company and other Japanese companies' competitive trade practices in Congress in recent months, especially during the emergence of the high-definition television issue. They said that the technology demonstration was something that would have been presented anyway, because of the potential market from government agencies which usually do not send representatives to the annual electronics trade shows. The idea for the expo had been considered for more than a year, said Larry Thorpe, vice president, production technology, Sony Advanced Systems, who was demonstrating some of the company's HDTV equipment. Sony has been working closely with the Federal Aviation Administration, he said, but in general "many agencies don't have an overview of the technology," he said. During the two days, Thorpe said he had discussions with representatives from the FBI, CIA, several branches of the military and others for HDTV equipment applications "even we don't know about."

However, a few new Sony products were shown for the first time at the expo. Chief among them was the VPH-1270Q projection system, which Sony claims is the highest-resolution video display now on the market. It is capable of 525-progress or interlace display and will receive inputs of video signals up to 1,125/60. It will be available for delivery in November at a price of \$15,990. Although it is not new, another centerpiece among the displays was the 20x20 Trinitron high-resolution color monitor, which was chosen for use by the FAA for air traffic control applications. The screen provides enough resolution to clearly display characters down to 6 points.

Also shown was a new multicart video library system—the VLCS-800—built to Sony's Hi8 8 mm videotape format. Consoles hold up to 808 two-hour 8 mm cassettes and 32 Hi8 VTR's and are substantially more compact than half-inch cart systems of similar capacity. The system is expandable to eight consoles. Sony does not foresee selling many of the systems to broadcasters because the picture quality of Hi8 is lower than the broadcast formats. But a few of the systems have been sold to corporations in Japan, and the company believes it can find a market among business and governmental organizations that keep large video libraries.

DAT decision

After years of deadlock, the consumer audio equipment and recording industries have agreed upon a compromise that will allow manufacturers to begin wide-scale international marketing of digital audio tape (DAT) recorders. Introduction of the recorders in U.S. consumer electronics stores by Japanese and European companies has been blocked by lawsuit threats from the Recording Industry

Association of America (RIAA), which sought to protect the copyrights of recording artists.

The compromise allows manufacturers to build DAT machines with a "serial copy management system," which would reproduce one digital copy on DAT from a compact disk machine or two digital copies of audio recorded from an analog source. This is accomplished through the use of a digital subcode that signals the DAT machine when an attempt to record a second generation tape is made and blocks the recording. The subcode is not audible when the tape is played back.

"The proposal for a technical restriction on unlimited DAT copying establishes an important precedent for the protection of intellectual property," said RIAA President Jason Berman. The Electronics Industries Association, which represents the foreign manufacturers' U.S. subsidiaries, endorsed the compromise and said it will support congressional legislation mandating its provisions. DAT recorders are expected to be on the shelves of U.S. consumer electronics stores by spring of 1990.

HDTV day

The Association of Maximum Service Telecasters (AMST) will hold its third "HDTV Update" the Westin Hotel in Washington on Sept. 6. The all-day meeting (10:30 a.m.-5:30 p.m.) has held been annually since 1987 as a forum to provide AMST members with the latest information on HDTV technology and policy development. Topics to be emphasized this year will include reviews of augmentation, simulcast and "leapfrog" transmission system strategies and the latest cost estimates for upgrades of studio and transmission facilities after a transmission system is adopted.

FCC considers loosening one-to-a-market rules further

It reverses itself and says it will look at requests by TV owners to own more than one AM or FM in market

The FCC further liberalized its one-to-a-market rules at last week's open meeting, saying it would consider permitting a licensee to own a television station and more than one AM or FM station in the same "metro" market.

When it adopted a policy for granting waivers to the one-to-a-market rules, which generally prohibit TV-radio combinations, the FCC explicitly excluded TV-AM-AM or TV-FM-FM combinations (BROADCASTING, April 17).

The FCC, on reconsideration, reversed itself, saying the exclusion or "flat prohibition" precluded the FCC from considering combinations that could be demonstrated to be "uniquely" in the public interest.

The common ownership of two AM's or FM's in the same television market was made possible last October when the FCC relaxed its duopoly rules by reducing the allowable spacing between stations.

The FCC move was the result of a petition from Holston Valley Broadcasting Corp., which has been trying for nearly a year to forge a TV-AM-AM-FM combination in the 87th market, Bristol, Va.-Kingsport-Johnson City, Tenn.

Holston, a subsidiary of Home News Co., a New Brunswick, N.J., group broadcaster and newspaper publisher, owns WKPT-AM-TV-WTFM(FM) Kingsport, Tenn., and has purchased, subject to FCC approval, WXTP(AM) (formerly WUSJ) Jonesboro, Tenn., for \$90,000.

The FCC's action puts Holston one step closer to its goal of acquiring a second AM. Holston has already asked for a waiver of the rules, and now the FCC may consider it.

George DeVault, president and general manager of Holston, said he was pleased with the FCC's action and hoped for a prompt grant of the waiver. "We took the view that the commission has the...responsibility to waive any of its rules if it can be shown to be in the public interest," he said. "We don't think it's ever proper for a quasi-legislative agency to say: 'We will never waive a rule.'"

In a related action, the FCC rejected a petition from Great American Television and Radio Co. and, thereby, reaffirmed the guts of its waiver policy.

Under the policy, the FCC will "look favorably" upon waiver requests for combinations involving stations in the top 25 market with at least 30 separately owned broadcast licensees or "voices." It will also consider requests for combinations in markets that fail to meet the 25/30 standard. But those making such requests must dem-

onstrate that the proposed combinations are in the public interest.

Great American, which is attempting to hang on to TV-radio combinations in Kansas City, Mo., and Cincinnati, had asked the FCC on reconsideration to broaden the scope of combinations it would look favorably upon by eliminating the top 25 requirement. (Kansas City and Cincinnati are outside the top 25.)

In dismissing Great American's request, the FCC said it had considered all of Great American's arguments when it adopted the

rules. The FCC decided to go with the top-25 cutoff, it said, "out of an abundance of caution" after determining that a "careful approach" was the most reasonable way of relaxing the radio-TV crossownership rules.

Great American's cause is not lost. It has applied for a waiver under the new policy and hopes for a grant. "We are still hanging in there waiting to see what happens," said Bernie Koteen, an attorney for Great American. "But when they will get around to our waiver request, I can't tell." —JH



Looking back

United Stations Programming Network will air *Memories of Elvis and Woodstock Anniversary Special* during the weekend of Aug. 11-13. The four-hour special will feature Presley's 50 gold records, and was written and produced by Ed Salamon, United's executive vice president of programming. The *Woodstock* special is three hours long and was written and produced by Denise Oliver, United's director of programming. The shows are available on a swap/exchange basis to stations in the top 170 Arbitron-rated markets.

Hispanic profiles

Katz Hispanic Radio Research is making available its Spectrometers station programming profiles. The profiles break out Hispanic markets by formats, rather than classifying them all as Hispanic. Format variations include: Spanish news/talk; contemporary international hits, and ranchera/norteña.

Movietime ready to air

Movietime Radio Network has signed its first two affiliates: KPWR(FM) Los Angeles and WPLJ(FM) New York. The network, an offshoot of the Movietime cable network, focuses on Hollywood and the entertainment scene. The network will be launched today (July 31) and will feature programs such as *The Movietime Quiz* and *Movietime Soundtrax*.

Community efforts

WINS(AM) New York began airing a series called *Candidates' Comments* on July 22, and will continue the series through the

primary elections on Sept. 12. The show aims to inform listeners about the six mayoral candidates and their views on issues. ■ WLIB(AM) New York has begun airing a daily program before a live studio audience from the Apollo Theatre in Harlem. The program will air between 9 a.m. and 1 p.m. and cover a variety of topics. Guests include: Chuck D of the rap group Public Enemy; David Dinkins, Manhattan borough president and Democratic mayoral candidate; Lloyd Strayhorn, numerologist, and the gospel duo BeBe & CeCe Winans. ■ WOR(AM) New York raised \$250,000 during a fundraising campaign earlier this year for the Ellis Island Immigration Museum, part of an effort to develop Ellis Island. A gallery in the museum will be dedicated to WOR(AM) for its efforts (a reward for any group raising \$250,000 or more). ■ KYW(AM) Philadelphia has taken over the management and provision of the city's Emergency School Closing program. The service will be provided free to all school districts in Philadelphia and suburban areas. Stations and news wire services can also tap KYW for the information. The service was previously provided by the City of Philadelphia, but in an effort to help the city's cost reduction program, the station will now coordinate the effort exclusively. ■ Also in Philadelphia, WCAU(AM) began sponsoring the *Bruno Broom Brigade*. Tony Bruno, the station's morning host, led station volunteers and listeners to Cione playground in North Philadelphia and the American Legion playground where they were joined by The Delaware Valley Cleaning Systems Inc., who will strip graffiti from the walls of the playgrounds, and Waste Management of Pennsylvania, who provided T-shirts for the volunteers and a trash truck to clear away the debris.

Continued from page 62.

Bradenton, Fla. 34209. (813) 794-1348. E.L. Hurlbut, pres.; John F. Hurlbut, VP/broker. Appraisals, asset evaluations, market feasibility studies.

J.N. Wells & Co. 210 W. 22nd St., Suite 125. Oak Brook, Ill. 60521. (312) 572-0901. Joseph N. Wells, pres.; Charles C. Wells, exec VP; Lloyd Q. (Swede) Swenson, assoc VP; Tom Gagnon, assoc VP. Brokers and financial consultants for TV, radio, CATV, newspaper and publishing fields. Family ownership and

stockholder mediation.

The Whittle Agency. 8304 Druids Lane, Raleigh, N.C. 27613. (919) 848-3596. Gary L. Whittle, pres. Total media brokerage services including sales/appraisals of radio stations in the Carolinas and Southeast.

Wilkins & Associates. Box 1714, Spartanburg, S.C. 29304. (803) 585-1849. Bob Wilkins, owner.

Gary Wilson Broadcast Consultants. 2 Corte del Bayo, Larkspur, Calif. 94939. (415) 924-3588. Gary E. Willson, pres.

Wood & Co. Inc. 431 Ohio Pike, Suite 210N, Cincinnati 45255. (513) 528-7373. Larry C. Wood, pres; M.A. (Pete) Dennis, research analyst. Denver 80209: 880 S. Steele St. (303) 733-8684. Robert B. Ridder Jr., VP. Nationwide brokerage service to buyers and sellers of TV and radio properties.

Ronald A. Wooding & Associates, Media Brokers. 8701 South Kimbark Ave., Chicago 60619. (312) 374-9644. Ronald A. Wooding, pres. Specializing in tax certificate sales and acquisitions. Qualified minority buyers. Capital gains deferred through joint ventures and limited partnerships.

For the Record

As compiled by BROADCASTING from July 27 through Aug. 2 and based on filings, authorizations and other FCC actions.

Abbreviations: AFC—Antenna For Communications; ALJ—Administrative Law Judge; alt.—alternate; ann.—announced; ant.—antenna; aur.—aural; aux.—auxiliary; ch.—channel; CH—critical hours.; chg.—change; CP—construction permit; D—day; DA—directional antenna; Doc.—Docket; ERP—effective radiated power; Freq.—frequency; HAAT—height above average terrain; H&V—horizontal and vertical; khz—kilohertz; kw—kilowatts; lic.—license; m—meters; mhz—megahertz; mi.—miles; MP—modification permit; mod.—modification; N—night; pct. for recon.—petition for reconsideration; PSA—presunrise service authority; pwr.—power; RC—remote control; S-A—Scientific-Atlanta; SH—specified hours; SL—studio location; TL—transmitter location; trans.—transmitter; TPO—transmitter power output; U or unl.—unlimited hours; vis.—visual; w—watts; *—noncommercial. Six groups of numbers at end of facilities changes items refer to map coordinates. One meter equals 3.28 feet.

Ownership Changes

Applications

■ **KFRE(AM)-KNAX-FM** Fresno, CA (AM: BAL890719EA; 940 khz; 50 kw-U; FM: BALH890719EB; 97.9 mhz; 48 kw; ant. 290 ft.)—Seeks assignment of license from Fresno Radio Associates to EBE Communications Ltd. Assignment includes KNAX-FM Fresno, CA. Termination agreement provides that F/S Fresno, 50% joint venture in Fresno Radio Associates, will cancel its interest in joint venture in consideration of cash payment of \$200,000, repayment of amounts owed to F/S Fresno by Fresno Radio Associates and cancellation of various agreements of parties. Simultaneous with consummation of F/S Fresno's withdrawal from Fresno Radio Associates, Fresno Radio Associates will assign licenses of KFRE(AM) AND KNAX(FM) Fresno, CA, and associated auxiliary licenses to EBE Communication LP. There is no written agreement setting forth terms of this assignment. It is essentially structure reorganization, analogous to merger, whereby assets and licenses of Fresno Radio Associates will be contributed to EBE Communications LP by Chester Radio Associates, LP, sole remaining venturer of Fresno Radio Associates following withdrawal of F/S Fresno Inc., in return for limited partnership interest in EBE LP equal to appraised fair market value of assets contributed after payment of liabilities, or \$1,407,859. EBE Communications Ltd. ("EBE") is licensee of WZKG(AM)-WXTG-FM Charleston, SC, and proposed assignee of stations WQMX-AM-FM Winston Salem, NC. Commission granted consent to assignment of WMQX-AM-FM to Ralph C. Guild on June 9, 1989. Filed July 19.

■ **KHJJ(AM)-KKZZ-FM** Lancaster, CA (AM: BAL890718ED; 1380 khz; 1 kw-D; FM: BALH890718EE; 106.3 mhz; 3 kw; ant. 210 ft.)—Seeks assignment of license from Valley Wide Broadcasting Inc. to Eric/Chandler Ltd. Inc. for \$3,000,000 ("In Brief," June 26). Seller is controlled by Laurence and Judith Rutter (husband and wife) and George Schrader, and they have interest in KDHI(AM)-KQYN(FM) Twentynine Palms and KNGT(FM) Jackson, all California. Buyer is owned by Robert Geddes and Thomas Miserendino. They are licensees of KCBA-AM-FM San Diego, CA. Filed July 18.

■ **KQLH(FM)** San Bernardino, CA (BALH890718GW; 95.1 mhz; 50 kw; ant. 3,200 ft.)—Seeks assignment of license from Major Market Stations debtor in possession to Keymarket of California Inc. for \$7,700,000. Seller is headed by William Roberts, who also heads KWRM(AM) Corona, CA. Buyer is owned by Kerby Confer. Confer also owns WTCB-FM Orangeburg, SC; WNNK(FM) Harrisburg, PA; WEZC-FM Hickory, NC; WYOM-AM-FM Memphis, TN, and WYOM(AM)-WKRZ-FM Wilkes Barre, PA. Filed July 18.

■ **KQIL(AM)** Grand Junction, CO (AM: BAL890719EC; 1370 khz; 1 kw-U; FM: BALH890719ED; 93.1 mhz; 26.3 kw; ant. 1,027 ft.)—Seeks assignment of license from Mesa Broadcasting Co. to Airwaves Communications Inc. for \$1,300,000 ("Changing Hands," July 24). Seller is owned by John Hough, who also owns KKAZ(FM) Cheyenne and KUUY(AM) Orchard Valley, both Wyoming. Buyer is owned by Marshall E. Harris, who owns 54% of Good Neighbor Broadcasting Inc., which is licensee of WAG(AM) Menominee, MI, and applicant for FM station at Peshigo, WI, on channel 241A, 96.1 mhz. Filed July 19.

■ **KURA(FM)** Ouray, CO (BALH890719GZ; 104.9 mhz; 3 kw; ant. 848 ft.)—Seeks assignment of license from The 29th Broadcasting Co. to Timothy C. Cutforth and Virginia K. Cutforth for no financial consideration. Seller is headed by John and Debra Verstraete. Buyers have no other broadcast interests. Filed July 19.

■ **WZEP(AM)** Defuniak Springs, FL (BAL890719EG; 1460 khz; 5KW-D)—Seeks assignment of license from Holmes Valley Broadcasting Systems to Wyatt V. Cox for \$185,000. Seller is owned by Scott McAda, who has no other broadcast interests. Buyer has no other broadcast interests. Filed July 19.

■ **WEI.E(AM)** Ormond Beach, FL (BAL890717EJ; 1380 khz; 5 kw-D, 2.5 watts-N)—Seeks assignment of license from Eugene T. McMahon, receiver to McMahon Broadcasting Inc. for \$226,000. McMahon has no other broadcast interests. Filed July 17.

■ **WOWW** Pensacola, FL (BALH890713GP; 107.3 mhz; 100 kw; ant. 469 ft.)—Seeks assignment of license from Colonial Broadcasting Co. Inc. to Sunmedia Inc. for \$5,000,000 ("Changing Hands," July 17). Seller is headed

by David Coppock, who also owns two FM's. Buyer is headed by Frank A. Woods and also owns WERC(AM)-WKXX-FM Birmingham AL; KESY-AM-FM Omaha, NE; KKSS-FM Santa Fe, NM, and KYKX-FM Longview, KEAN-AM-FM Abilene and KKQV-FM Wichita Falls, all Texas. Filed July 13.

■ **WTAU-TV** Albany, GA (BAPCT890706KE; ch. 19; 5000 kw-V; ant. 1,135 ft.)—Seeks assignment of license from Albany Television Co. to RoPa Communications Inc. for \$30,000. Seller is owned by Durie Colman and Bobby Vinson, who have no other broadcast interests. Buyer is owned by Ron Foster, who has no other broadcast interests. Filed July 6.

■ **New-FM**, Fort Valley, GA (BAPH890718GM; 97.9 mhz; 3 kw; ant. 100 ft.)—Seeks assignment of license from Valmedia Inc. to S&M Broadcasters Inc. for \$550,000. Seller is owned by Dollie D. Horton, who has no other broadcast interests. Buyer is headed by Lamar Studstill, Owen L. Studstill, Cole C. Studstill, Melenda M. Studstill and Kimberly B. Studstill. Owen and Melenda Studstill are husband and wife; Cole C. and Kimberly B. Studstill are husband and wife. Owen and Cole C. Studstill are sons of Lamar and Doris Studstill. They have following broadcast interests: Lacom Communications Inc., WXRS-AM-FM Swainsboro, GA; Southwestern Video Inc., WKXK-FM Pana, IL, and WLGC(AM) Mendota, IL. Filed July 18.

■ **WXKO(AM)** Fort Valley, GA (BAL890718EF; 1150 khz; 1 kw-D)—Seeks assignment of license from Valmedia Inc. to S&M Broadcasters Inc. for \$550,000. Seller is headed by Dollie D. Horton, who has no other broadcast interests. Buyer is owned by Lamar Studstill, who is also purchasing new FM from Valmedia in Fort Valley, GA (see above). Filed July 18.

■ **WWGS(AM)-WSGY(FM)** Tifton, GA (AM: BAL890718GN; 1430 khz; 5 kw-D, 1 kw-N; FM: BALH890718GO; 100.3 mhz; 100 kw; ant. 1,100 ft.)—Seeks assignment of license from WWGS/WCUP Partnership to Taylor Broadcasting for \$3,000,000 ("Changing Hands," July 17). Seller is headed by Michael Levine, who also owns KCHX-FM Midland, TX, and KWWL-FM Wichita, KS. Buyer is headed by Stephen J. Taylor, who also owns WTLZ(FM) Saginaw, MI. Filed July 18.

■ **KMGT(TV)** Honolulu, HI (TEMP890717AA; ch. 26;

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100 kw-V; ant. 2,170 ft.) and KVHF Kailua-Kona, HI (TEMP890717BB; ch. 6; 5.13 kw-V; ant. 2,509 ft.—Seeks assignment of license from Mount Wilson FM Broadcasters Inc. to Oceania Broadcasting Network Inc. for \$4,300,000. Seller is headed by Saul Levine, who also heads KRTR(FM) Kailua, KULA(AM) Manawili, both Hawaii and KKG(FM) Los Angeles; KSHO(AM) Hesperia, KSUR(FM) Greenfield and KKJZ(AM) Soledad, all California. Buyer is owned by Christopher Racine, who has no other broadcast interests. Buyer shall assume certain liabilities and obligations of seller. Total purchase price of \$4,300,000 includes covenant not to compete for period of 5 years valued at \$250,000. Filed July 17.

■ KIZN-AM-FM Boise, ID (AM: BAL890717EC; 730 khz; 500 kw-D; FM: BALH890717ED; 93.1 mhz; 50 kw; ant. 2,630 ft.); KQLO(AM) Reno, KWNZ(FM) Carson City, both Nevada (AM: BAL890717EE; 920 khz; 5 kw-D, 1 kw-N; FM: BALH890717EF; 97.3 mhz; 87.1 kw; ant. 2,126 ft.) and KDUK-AM Eugene-KLCX-FM Florence, both Oregon (AM: BAL890717EA; 1280 khz; 5 kw-D, 1 kw-N; FM: BALH890717EB; 104.7 mhz; 100 kw; ant. 2,104 ft.)—Seeks assignment of license from Constant Communications Co. to Pacific Telecom Inc. for approximately \$10,000,000 ("Changing Hands," July 10). Seller is headed by Frederic Constant, who has no other broadcast interests. Buyer is telephone utility company headed by Chuck Robinson. It has no other broadcast interests. Filed July 17.

■ KEMB(FM) Emmetsburg, IA (BALH890714G; 98.3 mhz; 3 kw; ant. 300 ft.)—Seeks assignment of license from Palo Alto Broadcasting Co. to Roger J. Jacobson for \$140,000. Seller is owned by John Schad, who has no other broadcast interests. Buyer is Roger J. Jacobson, president, director and 100% shareholder of Jacobson Broadcasting Company, licensee of KILR-AM-FM Estherville, IA. Filed July 14.

■ WZKO(FM) Pineville, KY (BTCH890718GS; 106.3 mhz; 780 W; ant. 750 ft.)—Seeks assignment of license from William And Janice Carrigan to Jimmie R. Branham. Upon receiving written approval by FCC for transfer of shares of stock in and to Pine Hills Broadcasting Inc. Parties hereto agree to take following action: Carrigan shall transfer to Branham four hundred seventy (470) shares of common stock in and to Pine Hills Broadcasting Inc.; Branham and Pine Hills execute to Carrigans indemnification and hold harmless agreement; and Lois Jean McPherson and Branham shall execute that certain agreement for accord and satisfaction for purposes of identification, incorporation herein by reference, and made a part hereof. Seller has no other broadcast interests. Buyer is licensee of WAN-0(AM) Pineville, KY. WANO submitted its application for renewal of license with commission on April 14, 1989. Filed July 18.

■ KIOU(AM) Shreveport, LA (BAL890718EB; 980 khz; 500 kw-D)—Seeks assignment of license from KCIJ Communications Inc. to Cary Camp. Seller is owned by James Hill. Buyer is applicant for new FM in Haughton, LA. Cary D. Camp, holder of FCC license for KOKA(AM) 1480 khz, 1000 watts, Shreveport, LA., has reached agreement to transfer or swap frequencies subject to approval of FCC. with KOKA(AM) Shreveport (see below). Filed July 18.

■ KOKA(AM) Shreveport, LA (BAL890718EC; 1550 khz; 10 kw-D, 500W-N, DA-NA; HAAT)—Seeks assignment of license from Cary Camp to KCIK Inc. Seller is owned by Cary Camp, who is applicant for new FM in Haughton, LA. Buyer is owned by James Hill, who has no other broadcast interests. Buyer and seller are swapping frequencies, subject to FCC approval (see above). Filed July 18.

■ KCCV(AM) Independence, MO (BAL890717EI; 1510

khz; 10 kw-D)—Seeks assignment of license from Bott Broadcasting Co. to Tavastock Inc. for \$700,000 ("Changing Hands," July 31). Seller is headed by Richard Botts, who also owns KCIB(FM) Central Valley, CA; WFCV(AM) Fort Wayne, Ind.; KKCI(FM) Goodland and KNCI(AM) Overland Park, both Kansas; KSVI(AM) Clayton, MO; KQCV(AM) Oklahoma City, and WCRV(AM) Collierville, TN. Buyer is owned by Ragan A. Henry, who also owns WMBX(FM) Richmond, VA, WDIA(AM)-WHRK(FM) Memphis, TN, WXLE(FM) Johnstown, OH; WKSQ(FM) Mt. Clemens, MI, and WWIN-AM-FM Baltimore, MD. Filed July 17.

■ KOIL(AM)-KOMJ(FM) Omaha (AM: BAL890719EE; 1290 khz; 5 kw-U; FM: FM: BALH890719EF; 103.7 mhz; 100 kw; ant. 73 ft.)—Seeks assignment of license from Valley Broadcasting Inc. to Ovation Broadcasting Co. for \$5,575,000. ("Changing Hands," July 31). Seller is owned by Robert Dean and Robert Greenlee, who have no other broadcast interests. Buyer is headed by Phil Motta and is purchasing KFQX-AM-FM Abilene, TX ("Changing Hands," July 10). Filed July 19.

■ KUDA-FM Pahrump, NV (BALH890711HS; 107.5 mhz; 24.5 kw; ant. 3715 ft.)—Seeks assignment of license from Professional Broadcasting Inc. to Americom Las Vegas LP for \$4,000,000 ("Changing Hands," July 10). Seller, headed by Art Keller, is Fairfax, VA-based group owner of KAMJ-AM-FM Phoenix; KRAK-AM-FM Sacramento, Calif.; WHQT(FM) Coral Gables and WOKV-(AM)-WAIV-FM Jacksonville, all Florida; WEZB(FM) New Orleans; KYKY(FM) St. Louis; WEZC(FM) Charlotte, N.C.; WBZZ(FM) Pittsburgh; and KMPS-AM-FM Seattle. Buyer is headed by Thomas Quinn and Richard Nagler. They are both general partners in Americom, and Americom-II. Americom is licensee of KODS(FM) Carnelian Bay, CA, and KHTZ(FM) Truckee, CA. Americom-II is licensee of KVIS(AM)-KFSO(FM) Visalia, CA. Filed July 11.

■ KRCL(TV) Reno, NV (TEMP890713TV; ch. 4; 17.4 kw-V; ant. 420 ft.)—Seeks assignment of license from The Cord Foundation to Sunbelt Broadcasting Co. for \$24,450,000. Seller is headed by Edward Neuhoff, William Bradley and James Elliot who have no other broadcast interests. Buyer is owned by James E. Rogers and Louis Wiener. Filed July 13.

■ WHWB-FM Port Henry, NY (BAPLH890719HG; 92.1 mhz; 1,237 kw; ant. 103 ft.)—Seeks assignment of license from The Radioactive Group Inc. to Pro-Radio Inc. for \$520,000 ("Changing Hands," July 24). Seller is headed by Bruce Lions and also owns WXXX(FM) Newport, NH, and WSCM(AM)-WSHQ(FM) Cobleskill, NY. Buyer is owned by Mark T. and Mary Brady (husband and wife). They have no other broadcast interests. Filed July 19.

■ WLVK-FM Statesville, NC (BALH890720HK; 96.9 mhz; 100 kw; HAAT: ANT 1,250 ft.)—Seeks assignment of license from Capitol Broadcasting Corp. to Trumper Communications Inc. for \$7,000,000. Seller is headed by Kenneth Johnson and also owns WMJJ(FM) Birmingham, WKSJ-FM Mobile and WKSJ(AM) Prichard, all Alabama; WRKA(FM) St. Matthews (Louisville), KY; WTRG(FM) Rocky Mount, NC; WGFY(FM) Gallatin (Nashville), TN; KQFX(FM) Georgetown, TX; WCAW(AM) and WVAF(FM) Charleston, WV. Buyer is owned by Jeffrey Trumber, and also owns WLAP-AM-FM Lexington, KY; KQQL-FM Anoka, MN, and KKCW-FM Beaverton, OR. Filed July 20.

■ WZNT(FM) San Juan, PR (BTCH890717GR; 93.7 mhz; 50 kw; ant. 280 ft.)—Seeks assignment of license from Huella Communications Inc. to Rafael Oller for \$1,200,000 ("Changing Hands," July 10). Seller is headed by Francisco V. Santoni, who has no other broadcast interests. Buyer is owner of Primetime, Puerto Rican tele-

vision production group. Filed July 17.

■ WIKU(FM) Pikeville, TN (BALED890714GI; 91.3 mhz; 100 kw; ant. 453 ft.)—Seeks assignment of license from Bledsoe County Board of Education to University of Tennessee, Chattanooga, for no financial consideration. University of Tennessee owns and operates noncommercial educational FM radio stations on its campuses in Knoxville (WUOT[FM] and WUTK-AM-FM), Chattanooga (WUTC[FM]) and Martin (WUTM[FM]). In addition, University of Tennessee owns and operates numerous instructional television fixed service stations, licensed by FCC throughout state of Tennessee. Filed July 14.

■ KAYD-FM Beaumont, TX (BALH890714GE; 97.5 mhz; 50 kw; ant. 320 ft.)—Seeks assignment of license from Family Radio Ltd. Partnership to Petracom Inc. for \$1,200,000. Seller is headed by Communications Investment Corp., which is headed by Russel Peavyhouse. Buyer is headed by Henry Ash, who has interest in WAIL(AM)-WKWF(FM) Key West, FL; WVGW(FM) St. Thomas, VI; WGBA-TV Green Bay, WI; WLAX-TV La Crosse, WI, and is permittee of WEUX-TV Eau Claire, WI and WFGX-TV Ft. Walton Beach, FL. Filed July 14.

■ KWIC-AM-FM Beaumont, TX (AM: BAL890717EG; 1380 khz; 1 kw-D; FM: BALH890717EH; 107.9 mhz; 100 kw; ant. 392 ft.)—Seeks assignment of license from Pyle Communications of Beaumont Inc. to Pyle Communications of Beaumont Inc. Seller is headed by John Durkay. Buyer is owned by William J. Mason. Pyle Communications of Beaumont Inc. was, until May 10 1989, licensee of stations KWIC-AM-FM Beaumont, TX. Pyle Communications is now in bankruptcy pursuant to chapter 11 of United States Bankruptcy code in United Bankruptcy Court for Eastern District of Texas in Beaumont, TX. Pursuant to applications it filed with commission, Pyle Communications assigned licensee for stations to John J. Durkay, who had been appointed as its trustee in bankruptcy proceedings. Filed July 17.

■ KXIV-TV Salt Lake City, UT (TEMP890717; ch. 14; 1480 kw-V; ant. 4038 ft.)—Seeks transfer of license from Don L. Skaggs to Skaggs Telecommunications Service Inc. for \$415,000. Skaggs has no other broadcast interests. Skaggs Telecommunications Service Inc. is licensee of several microwave stations in private operational fixed microwave radio service, as well as several stations in business radio service. Filed July 17.

Actions

■ WZEW-FM Fairhope, AL (BALH890602GJ; 92.1 mhz; 3 kw; ant. 288 ft.)—Granted app. of assignment of license from Jane B. Forbes, trustee, to WZEW Inc. for \$750,000. Seller has no other broadcast interests. Buyer is owned by George I. O'Rear, who has no other broadcast interests. Action June 19.

■ WOOJ(FM) Lehigh Acres, FL (BAPLH890320HK; 107.1 mhz; 2.35 kw; ant. 330 ft.)—Granted app. of assignment of license from Robert Dwyer to Sandab Communications of Fort Myers Ltd. for \$3,000,000. Seller also owns co-located WOOJ(AM). Buyer is owned by Stephen Seymour, Baltimore-based investor who has no other broadcast interests. Action July 19.

WFOY(AM)-WUVU-FM St. Augustine, FL (AM: BAL890313GU; 1240 khz; 1 kw-U; FM: BALH890313GV; 97.7 mhz; 3 kw; ant. 200 ft.)—Granted app. of assignment of license from Shull Broadcasting Co. Inc. to Sage Broadcasting for \$3.5 million. Seller is owned by Douglas Shull, who has no other broadcast interests. Buyer is Stamford, CT-based group headed by Gerald Poch, president. It also owns WLVI(FM) Hartford, WKHT(AM) Manchester and WNAQ(AM) Naugatuck, all Connecticut; WTAX(AM)-WDBR(FM) Springfield, IL; KMNS(AM)-KSEZ(FM) Sioux City, IA; WBSM-FM Fairhaven and WBSM(AM) New Bedford, both Massachusetts; WSGD(AM)-WKOL-FM Amsterdam, NY; WCGL(AM)-WSGD-FM Carbondale, PA; WACO-AM-FM Waco, TX; WRFB(FM) Stowe, VT, and WAMT(AM)-WGNE-FM Titusville, FL. Action July 19.

■ WBSG-TV Brunswick, GA (BAPCT890427KH; ch. 21; 500 kw-V; ant. 1510 ft.)—Granted app. of transfer of control from Richard L. Huff to WBSG-TV Ltd. Seller has no other broadcast interests. Buyer is owned by Andrew B. Sloan, Don A. Pederson, Leonard G. Wright, Janey Sloan and Dorothy Wright. It has no other broadcast interests. Action July 17.

■ KWBG(AM)-KZBA-FM Boone, IA (AM: BAL890427EB; 1590 khz; 1 kw-D, 500W-N; FM: BALH890427EC; 98.3 mhz; 3 kw; ant. 210 ft.)—Granted app. of assignment of license from KZBA Inc. to G.O. Radio Ltd. for \$400,000. Seller is owned by Ben Doud, who also owns 100% of KGWY(FM) Gillette, WY, and 51% of KPIN(AM)-KBBT(FM) Casa Grande, AZ. Buyer is owned by Glen R. Olson, who owns controlling interest in KQWC-AM-FM Webster City, KSIB(AM)-KITR-FM Creston, KQIS-FM Clarinda, all Iowa, and KDOM-AM-FM Windom, MN. Action July 19.

TAVASTOCK, INC.

(Ragan A. Henry)

Has Acquired
KCCV-AM

Kansas City, Missouri

From

Bott Broadcasting Company

(Richard P. Bott, Sr.)



Capstone Communications Incorporated

Josh Mayberry Carol Mayberry

P.O. BOX 778 • Saddle River, NJ 07458 • Tel. 201-934-5990 • Fax 201-934-0192

■ KWQC(TV) Davenport, IA (BALCT890524KF; ch. 6; 100 kw-V; ant. 940 ft.)—Granted app. of assignment of license from Palmer Communications Inc. to Broad Street Television Corp. for \$45,820,000. Seller is headed by William Ryan, and also owns WNOG(AM)-WCVU(FM) Naples and WTNT-AM-FM Tallahassee, both Florida; KWQC-TV Davenport and WHO-AM-TV, KLYF(FM) Des Moines, IA. Buyer is owned by Richard L. Geismar, Allen R. Adler and Fred E. Walker. Richard L. Geismar is director of Belfast Broadcasting Corp., licensee of WWFX(FM) Belfast, ME, director of Beam Communications Inc. WICE(AM) Pawtucket, RI, and director of Mitcom Ltd., parent company of both Belfast Broadcasting Corp. and Beam Communications Inc. Action July 19.

■ WEBQ-FM Harrisburg, IL (BALH890523HK; 99.9 mhz; 32 kw; ant. 650 ft.)—Granted app. of assignment of license from Turner Communications Inc. to Zimmer Communications Inc. for \$713,000. Seller is owned by O.L. Turner, who also owns WEBQ(AM) Harrisburg, Ill. Buyer is owned by Jerome R. Zimmer, who is owner of Bluff City Broadcasting Inc. (BCBI), licensee of KWOC-AM-FM Poplar Bluff, MO. Zimmer also owns 16.4% of Zimmer Broadcasting Co. Inc. (ZBCI), licensee of KEZS(FM) Cape Girardeau, MO. Action July 19.

■ KANS(AM)-KQDF-FM Larned, KS (AM; BALH890508EC; 1510 khz; 1 kw-D; FM; BALH890508ED; 96.7 mhz; 3 kw; ant. 290 ft.)—Granted app. of assignment of license from Pawnee Broadcasting Inc. to First National Bank & Trust Co. for \$10,500. Seller is owned by Dennis L. Franz, who has no other broadcast interests. Buyer has no other broadcast interests. Action July 19.

■ KHUM(FM) Ottawa, KS (BALH890526HK; 95.7 mhz; 100 kw; ant. 900 ft.)—Granted app. of assignment of license from Arrow Communications Inc. to Shaffer Broadcasting Systems Inc. for \$1,500,000. Seller is owned by Paul H. Rothfuss, who also owns KLIQ(FM) Davenport, IA; WRRX(AM)-WFFX(FM) Tuscaloosa, AL; WZOX(FM) Wapakoneta, OH, and KZBB(FM) Potcau, OK. Buyer is owned by Rick I. Shaffer, who is holder of CP to build new FM, KRMM(FM) Payson, AZ. Shaffer has 30% voting stock interest in American Broadcasting Systems Inc., which owns 100% of Steamboat Broadcasting Inc., licensee of KBCR(AM)-KSBT(FM) Steamboat Springs, CO. Action July 19.

■ KSAF(FM) Knob Noster, MO (BALH890526HX; 105.5 mhz; 3 kw; ant. 300 ft.)—Granted app. of Warrensburg Broadcasters Inc., to Bick Broadcasting Co. for \$185,000. Seller is owned by Janie Uhler. Buyer is owned by brothers, Frank C. Bick and James P. Bick. Bick Broadcasting Co. is current owner and licensee of KIDS(FM) Palmyra, KHMO(AM) Hannibal, KSI(AM)-KCBW(FM) Sedalia and KQCA(FM) Canton, all Missouri. Action July 19.

■ KWOC-AM-FM Poplar Bluff, MO (AM; BTC890518ED; 930 khz; 5 kw-D; 500 w-N; FM; BTCH890518EE; 94.5 mhz; 14 kw; ant. 215 ft.)—Granted app. of assignment of license from Bluff City Broadcasting Inc. to Zimmer Broadcasting Co. Inc. for no financial consideration. Seller is owned by Jerome R. Zimmer. Buyer is owned by Jerome R. Zimmer, John P. Zimmer, James L. Zimmer and Donald W. Zimmer, John P. Zimmer is president, director and 33.33% owner of Hirsch Enterprises Inc., licensee of KZIM(AM) Cape Girardeau, MO. He is also president, director and 16.4% owner of Zimmer Broadcasting Co., licensee of KEZS(FM) Cape Girardeau, MO. Action July 19.

■ KAFM(FM) Red Lodge, MT (BALH890606HZ; 99.30 mhz; 0.12 kw-V; ant. -109 ft.)—Granted app. of assignment of license from Beartooth Stereo FM to Silver Rock Communications for \$30,000. Seller is owned by C.R. Crisler. Buyer is headed by Leslie B. Oliphant, Magic Air Communications was incorporated April 9, 1986. Burt H. Oliphant is 45% owner of Magic Air Communications Co., KDZN-FM Glendive, MT, Peggy S. Oliphant (wife of Burt Oliphant) is 40% owner of Magic Air Communications Co. Sons Jeffrey and Brent Oliphant also have interest in Magic Air Communications. Action July 19.

■ KSWN(AM) McCook, NE (BAL890202EB; 1300 khz; 5 kw-D; DA:—) —Granted app. of assignment of license from K-101 Inc. to Ron Crowe & Associates for \$42,000. Seller is owned by First National Bank & Trust Co., Great Bend, KS, and has no other broadcast interests. Buyer has no other broadcast interests. Action July 19.

■ KICX(AM) McCook, NE (BAL890202EA; 1360 khz; 1 kw-D; HAAT:—) —Granted app. of assignment of license from Semeco Broadcasting Corp. to Ron Crowe & Associates for \$200,000. Seller is owned by Mary Lou Corrick, personal representative of estate of Wilfred O. Corrick. It also owns KICX-FM McCook, NE. Buyer has no other broadcast interests. Action July 19.

■ WDEX(AM) Monroe, NC (BAL890515E1; 1430 khz; 2.5 kw-U; HAAT:—) —Granted app. of assignment of license from estate of Norris B. Mills to Sanford L. Steelman for \$244,000. Seller had has no other broadcast interests. Buy-

er has no other broadcast interests. Action July 19.

■ KTVY(TV) Oklahoma City, OK (BALCT890531KF; ch 4; 97.7 kw-V; ant. 1,540 ft.)—Granted app. of transfer of license from Palmer Communications Inc. to Palmer Oklahoma City Inc. for no financial consideration. Palmer is headed by William Ryan (see KWQC[TV] Davenport, IA) Buyer is owned by Jenny W. Sutton, Bonnie J. McCloskey and Vickie A. Palmer. They have no other broadcast interests. Action June 19.

■ WJDZ(FM) Levittown, PR (BTCED890411GS; 88.5 mhz; 35 kw; ant. 70 ft.)—Granted app. of transfer of control from Jimmy D. Cuba and Bernardo D. Cuba to Channel 50 Television for no consideration. Seller is not-for-profit corporation. It has no other broadcast interests. Buyer is owned by Aurio A. Matios, who also owns WRFE(FM) Aguada, PR. Action July 19.

WHPB(AM) Belton, SC (BAL890509EH; 1390 khz; 1 kw-D)—Granted app. of assignment of license from Robert E. Liverance to B&J Broadcasting Inc. for \$18,000. Seller has no other broadcast interests. Buyer is equally owned by Yvonne B. Fleming and Jerry W. Fleming, who have no other broadcast interests. Action July 19.

■ WSSL(AM) Greenville, SC (BAL890522GY; 1440 khz; 5 kw-U, DA-N); WSSL-FM (BALH890522GZ; 100.5 mhz; 100 kw; HAAT: 1,280 ft.); WJDX(AM) Jackson, MS (BAL890522GS; 620 khz; 5 kw-D, 1 kw-N, DA-N); WSSI-FM Jackson, MS (BALH890522GI; 102.9 mhz; 100 kw; ant. 1,800 ft.)—Granted app. of assignment of license from Sterling Communications Corp. to Capstar Communications Inc. for \$24 million. Seller is headed by W. Lawrence Patrick. Buyer is headed by R. Steven Hicks, who is chairman of Board of Hicks Broadcasting Corp., licensee of KLVJ(AM) Beaumont, KYRK(FM) Port Arthur, WTAW(AM)-KTSR(FM) College Station, all Texas. HBC is sole partner of Hicks Broadcasting Partners L.P. ("HBP"). HBP is sole general partner of Hicks Communications Partners of TN, L.P. ("HCPT"). HCPT is sole general partner of Hicks Broadcasting Partners of TN, L.P. ("HBPT") which is licensee of WSIX-AM-FM Nashville. Hicks is also transferring ownership from HBRT to Capstar Communications. Action July 19.

KJJQ(AM)-KKQQ(FM) Volga, SD; KRRZ(AM)-KZPR(FM) Minot, ND, and KLIZ-AM-FM Brainerd, MN (KJJQ; BAL890331HG; 910 khz; 500 w-D; 1 kw-N, DA-2; KKQQ-FM; BALH890331HH; 102.3 mhz; 3 kw; ant. 234

April, 1989

This Notice Appears As A Matter of Record Only.

SOLD:
KWYD FM

KWYD-FM Radio Partners

Serving:
Colorado Springs/Pueblo, Colorado

SOLD TO:
Optima Communications, Inc.

Pat Thompson Co.
represented the Seller



Pat Thompson Co.

COMMUNICATIONS BROKERS
5613 D.T.C. PARKWAY, SUITE 300 ENGLEWOOD, CO 80111 (303) 779-0880

May, 1989

This Notice Appears As A Matter of Record Only.

SOLD:
KRAI AM & FM

U.S. Media Colorado, Ltd.

Serving:
Craig/Steamboat Springs, Colorado

SOLD TO:
Wild West Radio, Inc.

Pat Thompson Co.
represented the Seller



Pat Thompson Co.

COMMUNICATIONS BROKERS
5613 D.T.C. PARKWAY, SUITE 300 ENGLEWOOD, CO 80111 (303) 779-0880

ft.; KRRZ: BAL890331HI; 1390 khz; 5 kw-D; 1 kw-N; KZPR-FM: BALH890331HI; 105.3 mhz; 100 kw; ant. 579 ft.; KLIZ: BAL890331HC; 1380 khz; 5 kw-U. DA-N; KLIZ-FM: BALH890331HD; 107.5 mhz; 100 kw; HAAT: 350 ft.) Granted assets exchanged by Sioux Valley Broadcasting for KLIZ-AM-FM Brainerd, MN, owned by CD Broadcasting Corp. Par value for exchange is assessed at \$910,000 ("Changing Hands," April 24). Sioux Valley is principally owned by Robert Ingstad, who also owns KGFX-FM Pierre, SD; KDHL(AM)-KQCL(FM) Faribault, MN; and has interest in KBUF(AM) Holcomb, and KKJQ-FM Garden City, both Kansas; KRRZ(AM)-KZPR(FM) Minot, SD; KKO(AM)-KKPR(FM) Kearney, NE, and KFKA(AM)-KSQI(FM) Greeley, CO. CD Broadcasting is owned by Christopher T. Dahl, 75%, and Russell Cowles II, 25%. It also owns KLIZ-AM-FM Brainerd, KKBJ(AM) Bemidji, KLR-AM-FM Redwood Falls, all Minnesota. At same time, KRRZ(AM)-KZPR(FM) Minot, ND, seeks assignment of license from Dakota Radio Inc. to CD Broadcasting Corp. for \$507,500. Seller is owned by Robert Ingstad. Action July 14.

■ WPTN(AM)-WGSQ(FM) Cookeville, TN (AM: BAL890512HN; 780 khz; 1 kw-D; FM: BALH890512HO; 94.3 mhz; 3 kw; 1,640 ft.)—Granted app. of assignment of license from Gallaher & Huffines to American Network Group of Cookeville for \$2,300,000. Seller is owned by Druc Huffines and Robert Gallaher who has no other broadcast interests. Buyer is headed by Frank J. Spalluzzi, who has no other broadcast interests. Action July 19.

■ WJMM-AM-FM Lewisburg, TN (AM: BAL890307HY; 1490 khz; 1 kw-D, 250W-N; FM: BALH890307HZ; 94.3 mhz; 3 kw; ant. 115 ft.)—Granted app. of assignment of license from Estate of Louis D. Lingner to estate of Louis D. Lingner, deceased. By last will and testament dated April 7, 1955, Louis D. Lingner devised and bequeathed all property to his wife, Martha M. Lingner ("assignee herein"), and appointed her executrix of his estate. Assignor herein, in fulfillment of her duties as executrix and in satisfaction of last will and testament of Louis D. Lingner, deceased, seeks to assign licenses of WJMM-AM-FM to assignee. There is no other consideration involved in this transaction. Action July 19.

■ KJOJ(FM) Conroe, TX (BALH890606GG; 106.9 mhz; 100 kw; ant. 1,446 ft.)—Granted app. of assignment of license from Jimmy Swaggart Ministries Inc. to Six Chiefs Company Inc. for \$8,000,000. Seller also owns WHYM-(AM) Charlotte, NC. Buyer is headed by Ragan Henry, who is also buying KCCV(AM) Independence, MO (see above). Action July 19.

■ WTVZ-TV Norfolk, VA (BTCCT890303KO; ch. 33; 5000 kw-V; ant. 910 ft.)—Dismissed app. of assignment of license from TVX of Nashville Inc. to Charles McFadden for \$10,750,000. Seller is headed by Gene Loving. TVX also owns WDCA-TV Washington; WNOL-TV New Orleans; WLFL-TV Raleigh, NC; WTXF-TV Philadelphia; WMKW-TV Memphis; WCAY-TV Nashville; KTXA(TV) Fort Worth; KTXH(TV) Houston; KRRT(TV) Kerrville, TX (80%), and WMKW-TV Memphis. Buyer has no other broadcast interests. Action July 19.

■ WOMA(FM) Algoma, WI (BALH890526HW; 96.5 mhz; 3 kw; ant. 328 ft.)—Granted app. of assignment of license from D & M Broadcasting Inc. to Wheeler Broadcasting Inc. for \$237,550. Seller is headed by Dale Eggert. Buyer is owned by Ray L. Wheeler. Proposed assignee is licensee of WTCH(AM)-WOWN(FM) Shawano, WI. (1MV/m contours of stations WOWN(FM) and WOMA-[FM] do not overlap.) Wheeler and Grassman each hold 50% of stock of Wheeler Broadcasting of Minnesota Inc., licensee of KDWA(AM) Hastings, and KWNO(AM) Winona, both Minnesota. Wheeler and Grassman each hold 33.33% of stock of Wheeler Broadcasting of Michigan Inc., licensee of WJNR(FM) Iron Mountain, MI. Action July 19.

New Stations

Actions

AM's

■ Odessa, FL (890508AG)—Dismissed app. of Randall H. Blair for 1190 khz; Address: P.O. Box 43513 Washington, D.C. 20036. Principal has no other broadcast interests. Action July 18.

FM's

■ Yuma, AZ (BPED880212MH)—Granted app. of Arizona Western College for 88.9 mhz; 3 kw H&V; Address: Araby Rd., Yuma, AZ 85364. Principal is headed by Roby Dick, who has no other broadcast interests. Action July 24.

■ Atwater, CA (BPH871216MK)—Dismissed app. of Atwater Broadcasting Co. for 92.5 mhz; 3 KW H&V; 328 ft. Address: 1038 Neilson St., Albany, CA 94706. Princi-

pal is owned by Nicholas Henderson, who has no other broadcast interests. Action May 8.

■ Chattahoochee, FL (BPH880601MR)—Granted app. of Chattahoochee Broadcasting Associates for 105.3 mhz; 3 kw H&V; 328 ft. Address: Rte. One, Box 735, Camilla, GA 31730. Principal is owned by Pamela Kaye Simpson, who has no other broadcast interests. Action July 20.

■ Marco, FL (BPH850712TX)—Granted app. of Rowland Gulf Radio Inc. for 92.7 mhz; 3 kw H&V; 328 ft. Address: 2036 Canal St., Fort Myers, FL 33901. Principal is owned by Edward Young III, who has no other broadcast interests. Action July 13.

■ Buras-Triumph, LA (BPH871008MD)—Granted app. of Richard Edward Simmons for 94.1 mhz; 3 kw H&V; 328 ft. Address: Rt. 1, Box 402 Buras, CA 70041. Principal has no other broadcast interests. Action July 17.

■ Fairfield, ME (BPH881011ME)—Granted app. of Fairfield Broadcaster Partners for 93.3 mhz; 3 kw H&V; 328 ft. Address: RR #1, Box 157, Harrison, ME 04040. Principal is owned by Robert A. Surette and Richard S. Graham, who have no other broadcast interests. Action July 19.

■ Staples, MN (BPH880310NR)—Granted app. of Staples Broadcasting Co. Inc. for 94.7 mhz; 3 kw H&V; Address: 213 4th Ave., N.E., Staples, MN 56479. Principal is headed by Perry Kugler, who has no other broadcast interests. Action July 18.

■ State College, MS (BPH880323MA)—Dismissed app. of Golden Triangle Media Partners for 104.3 mhz; 3 kw H&V; 328 ft. Address: P.O. Box 8892, Columbus, MS 39705. Principal is owned by G. Michael Comfort and Larry G. Fuss, who have no other broadcast interests. Action July 17.

■ State College, MS (BPH880315MA)—Granted app. of Marshall R. Magee for 104.3 mhz; 3 kw H&V; 328 ft.. Address: 3502 Spyglass Court, Augusta, GA 30907. Principal has no other broadcast interests. Action July 13.

■ Wendover, NV (BPH880414MH)—Granted app. of Rita J. Taylor for 102.3 mhz; 93.8 kw; 1,292 feet above average terrain. Address: 1855 Butte, Wendover, NV, 89883. Principal has no other broadcast interests. Action July 17.

■ Roswell, NM (BPED880624MB)—Granted app. of Roswell Christian Radio Inc. for 99.5 mhz; 3 kw H&V. Address: 110 South Lea, Roswell, NM 88201. Principal is headed by James Teel, who has no other broadcast interests. Action July 19.

■ Sodus, NY (BPH871110MH)—Granted app. of Craig L. Fox for 103.5 mhz; 3 kw H&V 328 ft. Address: Box 1490 Syracuse, NY 13201. Principal has no other broadcast interests. Action July 17.

■ Barnesville, OH (BPH880630MZ)—Granted app. of W. Grant Hafley for 93.5 mhz; 3 kw H&V; 328 ft. Address: 63021 Ridgewood Dr., Cambridge, OH. Principal is headed by W. Grant Hafley, 100% shareholder of AVC Communications Inc., licensee of WILE(AM)-WCMJ-FM Cambridge, OH. Action July 18.

■ Crane, TX (BPH880811MN)—Granted app. of Brillion Radio Corp. for 100.9 mhz; 3 kw H&V; 328 ft. Address: 1296 Marian Lane, Green Bay, WI 54304. Principal is headed Lyle R. Evans, who owns 50% of Pacer TV of Huron Inc., permittee of KIID(TV) Huron, SD; 40% of Hometown Television Inc., permittee of WHTA(TV) Calumet, MI. Action July 17.

■ Wendover, NV (BPH880414MI)—Dismissed app. of WGWT Inc. for 102.3 mhz; 100 kw; 987 ft. Address: 781 North Valley View Drive No. 34, Wendover, NV 84083. Principal is owned by Connie Lyn Gardner, Myrta S. Wood and Peggy H. Whiting, who have no other broadcast interests. Filed July 17.

■ Marysville, OH (BPH871203MW)—Dismissed app. of Elyria-Lorain Broadcasting Co. for 105.7 mhz; 3 kw H&V; 328 ft. Address: P.O. Box 4006 538 Broad St., Elyria, OH. Principal is owned by Arthur D Hudnutt and Molly H. Young. Applicant is licensee of following: WEOL(AM)-WNWV(FM) Elyria, OH; WMEL(AM) Melbourne, FL. Action July 18.

■ Diamondville, WY (BPH880722MM)—Granted app. of Radio Property Ventures for 105.3 mhz; 16.5 kw H&V; 869 ft. Address: One Parkside Plaza 1430 Olive St., St. Louis, MO. Principal is owned by Brad Kaufman, Dirk L. Hallemeier and George Spicer, who have no other broadcast interests. Action July 20.

TV

■ Hartford, CT (BPTC890301KJ)—Dismissed app. of IST Broadcasting Inc. for ch. 61 3069 kw; 974 ft. Address: 71 Michael Road, Stamford, CT 06903. Principal is Ivy Shih-Takahashi, president, director and 100% stockholder of Bayside Broadcasting Inc., which is applicant for new FM broadcast station to serve Sebastopol, CA on channel 229A. Action July 17.

Facilities Changes

Applications

AM's

■ Roseville, CA KRCX(AM) 1110 khz—July 13 application for CP to make changes in ant. system.

■ Portsmouth, NH WCQL(AM) 1380 khz—July 13 application for CP to increase day and night power to 5 kw and make changes in ant. system.

FM's

■ Fairhope, AL WZEW(FM) 92.1 mhz—June 30 application for CP to change HAAT: 328 ft. H&V; change antenna supporting structure height.

■ Sheffield, AL WBTF-FM 106.3 mhz—June 28 application for CP to change ERP: 22.1 kw H&V; HAAT: 738 ft. H&V; class: C2; and change TL: 2 km SE of Cypress In. AL. 34 59 49N 87 48 13W.

■ Kingman, AZ KAWA(FM) 105.9 mhz—June 30 application for CP to change ERP: 7.95 kw H&V; change class: C1; HAAT: 1889 ft. H&V; and change TL: 35 km SW of Kingham, AZ: 35 01 58N 144 21 57W.

■ San Francisco, CA KWBB(TV) ch. 38—July 12 application for Mod of CP (BPCT880825KJ) to change HAAT: 1,443 ft. ant: Bogner BU(H)24 (DA)(BT).

■ Seaside, CA KMBY(FM) 107.1 mhz—July 6 application for CP to change class: B1 and to change TL: White Rock Ridge approximately 9.5 km SW of Carmel Valley (Monte-rey), CA: 36 25 03N 121 48 04W.

■ Avon, CO KZYR(FM) 103.1 mhz—June 30 application for CP to change ERP: 26 km H&V; class: C2; TL: upper dowl electronic site 6.4 km E of Avon (mm Docket # 88-253).

■ Chicago, IL WLUP-FM 97.9 mhz—June 21 application for CP to change ERP to 8.4 kw H&V.

■ Elsah, IL WTPC(FM) 89.7 mhz—July 10 application for CP to change freq: 105.3 mhz.

■ Portland, ME WWTG-FM 97.9 mhz—July 10 application for CP to change ERP: 37.5 kw H&V; HAAT: 567 ft. H&V; TL: 328 Blackstrap Rd., Portland, ME.

■ Cambridge, MA WMBR(FM) 88.1 mhz—July 12 application for CP to change ERP to 285 ft. (sic) H&V.

■ Dearborn, MI WHFR(FM) 89.3 mhz—July 13 application for CP to change ERP: .445 kw H&V; HAAT: 98 ft. H&V.

■ Grayling, MI WQON(FM) 100.1 mhz—July 5 application for CP to change freq: 100.3 mhz; ERP: 44.0 kw H&V; HAAT: 531 ft. H&V; class: C2

■ Branson, MO KLFC(FM) 88.1 mhz—July 6 application for Mod of CP (BPED851121MA) to increase overall tower height.

■ Newport, NH WXXX-FM 101.7 mhz—July 7 application for CP to change HAAT: 1115 ft. H&V; correct elevation and terrain data: 43 23 45N 72 17 40W.

■ White Rock, NM KKBZ(FM) 101.1 mhz—July 10 application for CP to change HAAT: 1728 ft. H&V; TL: Pajarito Mtn; class: C3; per docket 87-600.

■ Dansville, NY 93.9 mhz—July 7 application for Mod of CP (BPH880225MM) to change ERP: 0.570 kw H&V; HAAT: 741 ft. H&V; TL: ne of Acomb Rd., approximately 0.3 km S of intersection W/ Recktenwall Rd., Town of Dansville, NY.

■ Murphy, NC WCNG(FM) 104.3 mhz—July 7 application for Mod of CP (BPH880226MJ) to change freq: 102.7 mhz; HAAT: 236 ft. H&V; TL: Hwy. 64, 2.5 mi SE of Murphy, NC.

■ Summerdale, PA WUCP(FM) 91.7 mhz—July 12 application for CP to change ERP: .12 kw H&V; HAAT: 209.9 m H&V; TL: Darlington Trail, .6 km E of Lamps Gap Rd.

■ Williamsport, PA WRLC(FM) 91.7 mhz—July 5 application for CP to move studio and transmitter .3 km SE of Mass Communications Building, Lycoming College, Williamsport, PA.

■ Lancaster, SC WRHM(FM) 107.1 mhz—June 29 application for CP to change ERP: 1.6 kw H&V; change HAAT: 436 ft. H&V; change TL: on U.S. Hwy. 521, 9.9 km N of Lancaster, SC: 34 48 05N 80 47 51W.

■ Waco, TX KTKS(FM) 99.9 mhz—July 19 application for CP for to change HAAT: 1748 ft. H&V; TL: 3.1 mi NE of Moody, TX, is rescinded and application accepted for filing.

■ Lyndon, VT WGMT(FM) 98.3 mhz—July 10 application for Mod of CP (BPH860113MF) to change ERP: .08 kw H&V; HAAT: 1879 ft. H&V; TL: Burke Mtn., 7 mi NE of Lyndon, VT.

■ Martinsville, VA. WROV-FM 96.3 mhz—July 6 application for Mod of CP (BPH861008ID as Mod) to correct antenna coordinates: 37 07 00N 80 00 58W.

■ Columbus, WI. 100.5 mhz—June 30 application for Mod of CP (BPH880315MB) to change TL: SE corner of St. Hwy 60 and Co. Rd. A; Columbus, WI.

■ Oshkosh Township, WI. WUSW(FM) 96.7 mhz—July 30 application for CP to change HAAT: 328 ft. H&V; TL: 0.39 km W of Sherman Rd., 0.30 km S of Hwy GG, Vinland Township, WI.

TV's

■ Bellevue, WA KBGE(TV) ch. 33—July 14 application for Mod of CP (BPCT840413LF) to change ERP: 3813 kw (vis); HAAT: 1,824 ft.; TL: 701 5th Ave., Seattle, WA; ANT: Andrew 33H150. (DA)IBT).

■ Everett, WA KONG(TV) ch. 16—July 14 application for Mod of CP (BPCT800908KG) to change TL: 701 Fifth Ave., Seattle City, WA; coordinates: 47 36 17N 122 19 46W; HAAT: 1,079 ft. ant: Dielectric Communications, TFU-28DAS (DA)IBT).

Actions

AM's

■ Phoenix, AZ. KPHX(AM) 1480 mhz—application (BMP890106AA) granted for Mod of CP (BP871207AF) to modify night directional pattern.

■ Mountain Home, AR. KKTZ(FM) 107.5 mhz—July 13 application (BPH890412IA) granted for CP to change HAAT: 656 ft. H&V; Antenna supporting structure height.

■ Arroyo Grande, CA. KKAL(AM) 1280 khz—July 19 application (BP890711AA) granted for CP to change TL: Branch Rd. and Huasna in Arroyo Grande, CA: 35 05 40N 120 31 10W.

■ Fieldale, VA. WCBX(AM) 1160 khz—July 18 application (BMP880401AC) granted for Mod of CP (BP861030AP) to change day and night ant. systems & change TL: 2.3 km W of Fieldale, E of Rte 683, Fieldale, VA: 36 42 32N 79 57 54W.

FM's

■ Russellville, AR. KMTC(FM) 91.1 mhz—July 14 application (BMPED881214ID) granted for Mod of CP (BPE-D8405071A) to change TL: 501 Dike Road, Russellville, AR.

■ Lake Havasu City, AZ. KZUL-FM 105.1 mhz—July 24 application (BPH890418ID) granted for CP to change ERP: .28 kw H&V; HAAT: 2302 ft. H&V; TL: Crossman Peak, 9 mi ENE of Lake Havasu City, AZ: 34 32 54N 114 11 37W.

■ Payson, AZ. KRMM(FM) 101.1 mhz—July 18 application (BMPH881117II) for Mod of CP (BPH860212MF) to change ERP: 100 kw H&V; HAAT: 1033 ft. H&V; class: C; per Docket 87-121, is rescinded and reinstated to pending status as of 5-3-89.

■ Glendale, CA. KEDG(FM) 101.9 mhz—July 18 application (BPH871029IB) dismissed for CP to change TL: 1250 North Beaudry, Glendale, CA; ERP: 4.4 kw H&V; HAAT: 1325 ft. H&V; 34 11 47N 118 15 30W.

■ Haines City, FL. WHGS(FM) 90.3 mhz—July 19 application (BPED861201MB) returned for CP to increase ERP: 3 kw H&V; and reduce HAAT: 249 ft. H&V.

■ Corydon, IN. WJDW-FM 96.5 mhz—July 18 application (BMPH890329IF) granted for Mod of CP (BPH851114MD) to correct tower height as built.

■ Estherville, IA. KILR(FM) 95.9 mhz—July 17 application (BPH890110IC) granted for CP to change ERP: 50 kw H&V; HAAT: 492 ft. H&V; TL: Co Rd 17, N of Juicial Ditch No. 8, 8.5 km WSW of Jackson, MN; change to class: C2 (per Docket 88-45).

■ Carthage, IL. WCAZ(FM) 92.1 mhz—July 18 application (BPH890421IC) dismissed for CP to change ERP: 25 kw H&V; HAAT: 328 ft. H&V; TL: 12 mi SW of Carthage, IL; class: B1; per Docket 88-236.

■ Alexandria, LA. KRRV-FM 100.3 mhz—July 20 application (BMPH880914IB) granted for Mod of CP (BPH870203IF) to change HAAT: 1,151 ft. H&V; change ant supporting structure height; TL: 3 km ESE of Forest Hill, LA.

■ New Albany, MS. WWZD(FM) 106.3 mhz—July 13 application (BMPH890227IG) granted for Mod of CP (BPH880614ID) to change freq: 106.7 mhz; ERP: 28.1 kw H&V; HAAT: 656 ft. H&V; TL: 5.5 mi E of city, 1.6 mi N of Rt. 348, New Albany, MS; class: C2; per Docket 87-58.

■ Trenton, NJ. WKXW-FM 101.5 mhz—July 20 application (BPH871106IR) granted for CP to change TL: 0.2 km N of I-195, 2.5 km E of Allentown, Monmouth Co, NJ; change ERP: 50 kw H&V; HAAT: 492 ft. H&V; 40 10 51N 74 33 01W. Amended: 2-9-89; change ERP: 19 kw; change HAAT: 803 ft.; change TL: 3260 Brunswick Pike (US Rte 1), Trenton, NJ; 40 16 58N 74 41 11W.

■ Portsmouth, NH. WHEB(FM) 100.3 mhz—July 24 application (BPH881220IE) granted for CP to change ERP: 50 kw H&V.

■ Plattsburgh, NY. WGFB(FM) 99.9 mhz—July 21 application (BMPH881229IA) granted for Mod CP (BPH840927AL) to modify directional pattern slightly.

■ Williamston, NC. WHITE(FM) 103.7 mhz—July 20 application (BMPH890413II) granted for Mod of CP (BPH851105IC as Mod) to change HAAT: 980 ft. H&V; TL: 1.3 km SE of intersection of County Rd. 1521 & 1522, Bertie Co, NC.

■ Nowata, OK. KNFB(FM) 94.3 mhz—July 14 application (BPH880407IZ) granted for CP to change TL: 6 mi NW of city limits of Nowata, OK; 36 42 28N 95 42 19W.

■ Lincoln City, OR. KCRF(FM) 96.7 mhz—July 17 application (BPH890330ID) granted for CP to change ERP: 30 kw H&V; HAAT: 627 ft. H&V; correct site elevation & coordinates: 44 52 32N 123 59 03W.

■ Roseburg, OR. KRSB-FM 103.1 mhz—July 20 application (BPH881221IC) granted for CP to change ERP: 4.554 kw H&V; HAAT: 1,502 ft. H&V; TL: 18 km W of Roseburg, OR; class: C2; (per Docket 87-602).

■ Lancaster, SC. WRHM(FM) 107.1 mhz—July 18 application (BPH871013IC) dismissed for CP to change TL: .4 km E of Craig Drive, 9.1 km N of Lancaster, SC; ERP: 1.85 kw H&V; HAAT: 419 ft. H&V; 34 47 48N 80 46 05W.

■ Spring City, TN. WAYA(FM) 93.9 mhz—July 18 application (BMPH890418IG) granted for Mod of CP (BPH880229NL) to change ERP: 2.0 kw H&V; HAAT: 328 ft. H&V; TL: .3 km NW of Spring City, TN.

■ Denison, TX. KMKT-FM 104.9 mhz—July 20 application (BPH890220IH) granted for CP to change ERP: 50 kw H&V; HAAT: 492 ft. H&V; class: C2; TL: Along Hwy 82, 0.8 mi W of intersection of Hwy 82 & 901, 0.9 mi SW of Sadler, TX.

■ El Campo, TX. KXGC(FM) 96.9 mhz—July 14 application (BPH870227OC) granted for CP to change ERP: 100 kw H&V; HAAT: 1,025 ft. H&V.

■ Georgetown, TX. KQFX(FM) 96.7 mhz—July 24 application (BPH880613IB) granted for CP to change HAAT: 951 ft. H&V; change ERP: 100 kw H&V; change channel: 243C2 to 244C1; 30 19 20N 97 48 03W; (per Docket 88-232).

■ Giddings, TX. KGID(FM) 101.7 mhz—July 20 application (BPH890424IG) granted for CP to change FREQ: 101.5 mhz; ERP: 38.8 kw H&V; HAAT: 560 ft. H&V; class: C2; TL: 1.32 km SE of intersection of Wolf Creek and FM 2531.

■ Midvale, UT. KQMB(FM) 102.7 mhz—July 13 application (BMPH860709IG) denied for Mod of CP (BPH810819BE) to change TL: 5.5 mi WSW of Kessler, Magna, UT; ERP: 24 kw H & 21.21 kw V; HAAT: 3,844 ft. H&V; 40 40 32N 112 12 08W.

■ Everett, WA. KSER(FM) 90.7 mhz—July 18 application (BPED880701MB) returned for CP to change HAAT: 547 ft. H&V; ERP: 1 kw H and .96 kw V; TL: 3.3 mi for Lynwood at 24 degrees true; 47 51 45N 122 17 04W; change from non-DA to DA.

Actions

■ Selbyville, DE. Granted application of Anchor Broadcasting Limited Partnership for new FM station on channel 250A (97.9 mhz) at Selbyville, denied competing applications of Selbyville Broadcasting Co. Inc., Galaxy Communications Inc. and Susan M. Bechtel. (MM docket 87-504 by Initial Decision [FCC 89D-29] issued July 14 by ALJ Joseph Chachkin).

■ Arizona City, AZ. Affirmed action denying request by Alpha Group, licensee of KXMK(FM) Arizona City, to substitute channel 293C2 (106.5 mhz) for channel 292A (106.3 mhz). (MM docket 87-543 by MO&O [DA 89-825] adopted July 5 by chief, Policy and Rules Division, Mass Media Bureau).

■ Montecito, CA. Granted application of Claudia Bratton for new FM station on Channel 225A (92.9 mhz) at Montecito and denied applications of Shawn Phalen, Peacock Broadcasting Ltd., Ellwood Beach Broadcasting Ltd., Spirit Broadcasting, and James Evans. (MM docket 87-426 by ID [FCC 89D-30] issued July 17 by ALJ Walter C. Miller).

■ Corinth and Queensbury, NY. Dismissed Jedco Broadcasting Corporation's petition for reconsideration of action allotting channel 289B1 (105.7 mhz) to Queensbury, and denying competing proposal to substitute channel 289B1 for channel 228A (93.5 mhz) at Corinth. (MM docket 86-331 by MO&O [DA 89-823] adopted July 7 by chief, Policy and Rules Division).

■ Lebanon, VA. Granted application of Yeary Broadcasting Inc. for new FM station on channel 297A (107.3 mhz) at Lebanon and denied application of J.T. Parker Broadcasting Corp. (MM docket 88-211 by ID [FCC 89D-31] issued July 18 by ALJ Joseph Chachkin).

■ FCC conditionally renews licenses of WOOJ-AM-FM Lehigh Acres, FL; Issues assignment of license granted (Report MM-419, Mass Media Action) Action by commission July 19 by Letter (FCC 89-240).

■ FCC affirms, in part, bureau action in Long Island Music Broadcasting FOIA request (Report GN-46, General Action). Affirmed in part Mass Media Bureau's response to Long Island Music Broadcasting Corp.'s FOIA request for access to documents concerning proceeding for new FM station at Bay Shore, NY. Action by the commission July 21 by MO&O (FCC 89-243).

■ Raleigh, NC, et al. Reinstated applications of several of parties in this proceeding involving mutually exclusive applications for new FM facility in North or South Carolina, previously returned as unacceptable for filing (by MO&O [FCC 89-233] adopted July 13 by commission).

Allocations

■ Bismark and Danville, IL. Allotted channel 235A (94.9 mhz) to Danville (MM Docket 87-605, July 7, DA 89-826).

■ Derby, Augusta and Herington, KS. Substituted channel 242C2 (96.3 mhz) for channel 242A at Derby; modified license of KRZZ-FM accordingly; substituted channel 283A (104.5 mhz) for channel 242A at Augusta and channel 289A (105.7 mhz) for channel 242A at Herington. (MM docket 89-54, July 7, DA 89-820).

■ Spring Grove and Preston, MN, and Mason City, IA. Substituted channel 252C2 (98.3 mhz) for channel 252A at Spring Grove; modified license of KQYB accordingly; substituted channel 250A (97.9 mhz) for channel 252A at Mason City; modified license of KCMR accordingly. (MM docket 88-141, June 30, DA 89-819).

■ Covington, PA. Allotted channel 268A (101.5 mhz) (MM docket 88-258, July 7, DA 89-824).

■ Bowling Green, VA. Allotted channel 245A (96.9 mhz). (MM docket 88-503, July 7, DA 89-821).

Call Letters

Grants

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KWOM	Northern Tier Enterprises; Watertown, MN
WEXS	Community Broadcasting Inc.; Patillas, PR

New FM's

WDVI	Tallahassee Co. Christian Broadcasting Inc.; Dadeville, AL
WESP	Broadcast Associates; Dathan, AL
KTDX	Desert West Air Ranchers Corp.; Winslow, AZ
KvRK	H. Group Inc.; Atwater, CA
WYOO	Randall R. Wahlberg; Springfield, FL
WJLY	Henry J. voss; Ramsey, IL
KXSS-FM	Ronald J. Linder; Waite Park, MN
WGRM-FM	Clay Ewing; Greenwood, MS
WAZF-FM	Dri-Two Inc.; Yazoo City, MS
WMLY	Carroll County Broadcasting; Conway, NH
WSSL	St. Lawrence University; Saranac Lake, NY
WTRJ	WTRJ Broadcasting Inc.; Troy, OH
WKGv	Anita L. Clark; Tioga, PA
WRPJ	Full Power Radio of Narragansett Inc.; Narragansett Pier, RI
KWTA	Albert L. Crain; Electra, TX
WZAC	Price Broadcasting Co.; Danville, WV

New TV

WACI	Garden State Communications; Atlantic City, NJ
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Existing AM's

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 WGST(AM) WPBD Jacor Broadcasting of Atlanta Inc.; Atlanta, GA
 WPIQ(AM) WYNR Eagle Broadcasting Inc.; Brunswick, GA
 KBQC(AM) KTSS Valley Broadcast Ministries, Ltd.; Davenport, IA
 WWKY(AM) WVEZ Allentown FM Inc.; Louisville, KY
 WLSY(AM) WJYL Louisville Radio Limited Partnership; Louisville, KY
 WTOX(AM) WLKN Northland Communications Corp.; Lincoln, ME
 KDKK(AM) KPRM De La Hunt Broadcasting Corporation; Park Rapids, MN
 KXSS(AM) KZQX Genesis Broadcast Professional Inc.; Waite Park, MN
 KFBN(AM) KBSO Regency Communications Ltd. Inc.; Laurel, MT
 WZKG(AM) WXTC EBE Communications Limited Partnership; Charleston, SC
 WJKI(AM) WSJW Jacki Cooper Media Inc.; Woodruff, SC
 KZAK(AM) KTYL Oil Center Broadcasting Co.; Tyler, TX
 WPUV(AM) WPSK Lester L. Williams; Pulaski, VA

Existing FM's

- WDXX(FM) WTUN Holder Communications Corp.; Selma, AL
 KTIM-FM KCIW(FM) Kenyon Communications Inc.; Wickenburg, AZ
 WBGF-FM WSWN(FM) Seminole Broadcasting Co.; Bellglade, FL
 WBGF(FM) WSWN-FM Seminole Broadcasting Co.; Stuart, FL
 WHJX(FM) WPIQ Eagle Broadcasting Inc.; Brunswick, GA
 KBQC-FM KBQC Valley Broadcast Ministries, Ltd.; Bettendorf, IA
 KLIK-FM KMCD-FM Galesburg Broadcasting Co.; Fairfield, IA
 KCZY(FM) KOSG Mega Media Inc.; Osage, IA
 WLGC-FM WLGC(FM) Greenup County Broadcasting Inc.; Greenup, KY
 WLSY-FM WLSY Louisville Radio Limited Partnership; Louisville, KY
 KVOL(FM) KFND R & D Partners; Opelousas, LA
 WHMX(FM) WGUY Northland Communications Corp.; Lincoln, ME
 WBFX(FM) WYQT(FM) Timothy D. Martz; Grand Marais, MN
 KTXI(FM) KCGQ Target Media, Inc.; Gordonville, MO
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 WSHZ(FM) WNYJ Radio Active Group Inc.; Rotterdam, NY
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 WOKW(FM) WWWWS Raymark Broadcasting Co.; Curwensville, PA
 WHUM-FM WKBE Kennedy Broadcasting Inc.; Patton, PA
 WKHL(FM) WXKU-FM North Penn Broadcasting Inc.; Salladasburg, PA
 KLZX-FM KLZX Citadel Associates Ltd. Partnership; Salt Lake City, UT
 KLGK(FM) KIPP(FM) TGWM Corp.; Delta, VT
 WTFX(FM) WMLW(FM) Joyner Radio Inc.; Watertown, WI


Existing TV's

- WHSQ(TV) WCVL Roberts Broadcasting Co.; St. Louis, MO
 KRTW(TV) KLTJ Pray Inc.; Bayton, TX
 KLTJ(TV) KUYA Faith That Pleases God Church Inc.; Galveston, TX

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RADIO

HELP WANTED MANAGEMENT

Expanding broadcast group looking for sales management candidates. You must have street sales experience and be able to lead. Medium deep South markets and more on the way. Send brief resume, salary history, references, and why we should talk to you. Don't waste a stamp if you don't love to sell radio. Forward into ASAP to: Mark Bass, EVP, GMX Communications, 3866 Dickerson Rd., Nashville, TN 37207. EOE, M/F.

General manager for our west Michigan FM. Begin your future with us. Community-minded? Sales background? Filled with ideas? Contact: President, Michigan Communications Group, 1415 Hatcher Crescent, Ann Arbor, MI 48103. EOE.

General manager. Growing AM northern CA NewsTalk looking for individual with proven record of leadership and hands-on sales. \$45,000 plus cash flow bonus and earned equity potential. Write PO Box 640, West Sacramento, CA 95691. EOE.

General manager needed for medium sized Southern FM station with super potential. Must have proven track record with strong references. Cash flow incentives available. Workers only, no desk jockeys. Ground floor opportunity with dynamic new company. Resumes & references to Box H-76. Confidentiality assured. EOE.

General manager: Southwest. Group broadcaster seeks aggressive sales oriented manager for AM/FM. Requires a successful track record of leadership and hands on involvement in sales. Salary plus incentive. Send resume and salary requirement to: Box H-83. EOE, M/F.

Sales manager: Sharon Broadcasting Corporation is accepting applications for GSM. We are in the process of expanding and improving our facilities and need a person who has the potential to move into other management as the opportunities develop. A successful track record of leadership and "hands on" experience in sales is required to manage our five person sales team. Males and females encouraged. Send letter and resume to F. Barry Nienow, President, Sharon Broadcasting Corporation, PO Box 1030, Stevens Point, WI 54481. EOE.

Selling general manager for C-2FM on Lake Huron Silver Coast. Station needs turn around manager who sells, announces, promotes and loves the great outdoors! Contact John DeGroot, P.O. Box 190, Gaylord, MI 49735. 517-732-2474. EOE.

Experienced general manager or highly successful sales manager looking to move up to GM for profitable Country Combo; WBKR/WOMI in Owensboro, KY/Evansville, IN market. Send resume, photo, salary history, and cover letter highlighting your successes. No calls, please. Ed Riney, PO Box 1480, Owensboro, KY 42302. EOE.

General manager: Small market opportunities for good sales managers/salespeople. Growing group ownership in KS. EOE. Resume to Box H-90.

Experienced program director sought by University of Cincinnati fine arts/informational public radio station. Duties include planning programming, supervising professional staff, developing new programs, utilizing research data. Minimum five years in broadcasting or related field. Send resume with three references and cover letter to: Search Committee, WGUC, 1223 Central Parkway, Cincinnati, OH 45214. 513-556-4444. EOE.

Sales manager: You may be an account executive ready to move up; you know AM sales, you believe in AM radio. Perhaps you're already a sales manager but don't have the freedom to lead and make decisions. We may have the spot you're seeking. We are a News/Talk AM in east Texas. Soon we are adding a second AM which will be simulcast much of the time. Your salary will be in direct proportion to your ability to promote, sell and lead. Healthy family environment, a place to learn, grow and prosper. If you have the experience, enthusiasm and competence we seek, call Kelly Williams at 813-862-4200. We're ready to grow. Are you? EOE.

General manager, South Carolina small market FM. GM experience helpful or you may be a GSM or hot salesperson ready for first GM job. Good salary plus equity. If you've always wanted to own your own, here's a chance. Resume to Box H-100. EOE.

General sales manager for new AM Religious station in Greater Newburgh/Beacon NY market. Strong Religious broadcasting background experience preferred, good base salary plus commission. Send resume to Q Media, 687 Orchard St., Oradell, NJ 07649. EOE.

Station manager: WUGA, University of Georgia Athens, a member of the statewide Peach State Public Radio Network has an immediate opening for an experienced station manager. Manages all programming, technical, budget and personnel matters. Degree in related field or comparable experience plus four years experience in radio broadcasting. Two years supervisory experience required. Public radio experience preferred. Salary competitive. Excellent benefits. Forward resume, letter of interest, salary requirements and demo tape by September 1, 1989 to: Rob Williams, WUGA, Georgia Center for Continuing Education, University of Georgia, Athens, GA 30602. EOE/AA.

General sales manager: Small Upper Mid-West market. 5,000 W AM, 100,000 W FM covering large area. Must be able to lead, train, carry large list and deliver results. Strict confidence. EOE. Box H-105.

Assistant GM/program director for University Radio Services. Plan, acquire and schedule all programming for WUAL-FM/WQPR-FM, including syndicated and network programs. Assist director/general manager in administrative and representational duties. On-air duties consist of participation in periodic fundraisers and emergency fill-ins. No regular board shift required. BA required. Master's degree preferred. Must have broad knowledge of classical music and jazz. Three years experience in programming in public radio desired. On-air and management experience essential. Knowledge of production, remote recording and audience ratings systems necessary. Salary mid \$20's with excellent University benefits. Deadline: August 18, 1989. Send cover letter and resume to: Employment Office, Box 870364, University of Alabama, Tuscaloosa, AL 35487-0364. The University of Alabama is an Equal Opportunity, Affirmative Action Employer.

National sales manager. We need to bill \$1 million national this fiscal. The right person should be ready to make contacts locally with clients, on the phone with the agencies and reps, through the mail and on market trips. Come to the beautiful desert Southwest, join our 12 station group and enjoy excellent benefits, working conditions and people who want to see you succeed as badly as you want to. High ethics, high personal and professional standards, verifiable track record and outstanding references a must. Overnight resume and income history to Box H-111. EOE.

HELP WANTED SALES

Attention: Small, medium market group broadcaster is looking for sales managers, GM's. Must carry own list and be able to motivate and lead through example. We own 10 stations that we want to grow to 20. Be a player in our growth. Sell me! EOE. Box H-88.

X2C galore! New, NJ-based, national Jazz radio network in search of GSM and salespeople. Love of Jazz a must. Familiarity with affiliate sales, a plus. No desk jockeys! HANDWRITTEN letter, resume, references, w/3 samples to: Personnel, POB 400, Red Bank, NJ 07701-8091. EOE.

Account executive for AM/FM in Tampa Bay area. Need aggressive, motivated self-starter. Send resume to: WSUN/WYNF, PO Box 42195, St. Petersburg, FL 33742. EOE.

Television/radio salespersons: Several experienced people sought for major market station sales, broadcasting's oldest (35 years) media-merchandising, sales-promotion, and vendor-sales concept. Community Club Awards (CCA). Substantial draw against commission. Full-time travel. Resume pix, contact: J.C. Gilmore, PO Box 151, Westport, CT 06881. 203-226-3377. EOE.

Southern Vermont radio station seeks highly motivated account executive for career position. Letter and resume to Chuck Friedman, WKVT, PO Box 1490, Brattleboro, VT 05301. EOE. M/F.

Salespeople. New Oldies FM in beautiful Pacific Northwest county of 190,000 needs your experience. We have good ratings, offer an excellent commission, benefits, and bonus plan. Send resume to: Box H-98. EOE.

Opportunity to work for strong AC station in beautiful historic university town. Great earnings potential, incentive and benefit plans. Experience preferred. Send resume to Lynne Lessin, Sales Manager, WCHV, 1140 Rose Hill Dr. Charlottesville, VA 22901. EOE/AA.

HELP WANTED ANNOUNCERS

New FM start-up: Tallahassee Florida. Adult Contemporary format. Seeking skilled air personalities. Tape and resume to P.O. Box 4463, Lynchburg, VA 24502. Phone: 804-239-0400. EOE.

Southern New Mexico resort area. Class C FM automated Adult station, needs announcer/production person with good copy skills. Work and play in the Sunbelt by the state's largest lake. Call Dave Easton, Program Director, KSNM, 505-894-3987. EOE.

Small market stations searching for experienced air, sales, news, and engineering talent. Call John, 205-246-4431 between 8-10am CDT only!!! EOE.

SW OK AM/FM has opening for programmer. Air shift, remotes, production, sports knowledge helpful. Rush airchecks and resumes to Jimmy Young, Box 577, Altus, OK 73522. Equal opportunity employer.

Mid-Michigan Easy Listening music FM & News/Information AM is in need of an experienced announcer for interesting Combo shift. Send tapes and resumes to Program Director, WJIM, PO Box 30124, Lansing, MI 48909. EOE.

HELP WANTED TECHNICAL

Engineer, satellite project: A major Christian radio network is seeking applicants with translator expertise to play key role in network development. Requires knowledge of translator installations including preparation of FCC applications, equipment selection, and managing on-site project. Send resume to Lockbox 10064, Chicago, IL 60610. EOE.

ORBAN seeks a troubleshooter to assist customers via the telephone with Optimod problems. Requires experience with radio transmitters and analog circuits. FCC license preferred. Send resume to ORBAN, a division of AKG Acoustics, Inc., 645 Bryant St., San Francisco, CA 94107. EOE.

HELP WANTED NEWS

News director for top small market News operation. Community oriented AM/FM. Tape and resume to: Cliff Somers, KARS, Box 860, Belen, NM 87002. EOE, M/F.

Busy, News-oriented NYC suburban daytimer seeks energetic news director. T & R to General Manager, WRKL, Pomona, NY 10970. EOE.

Do NOT send tapes or oversized materials to Blind Boxes

HELP WANTED PROGRAMING PRODUCTION & OTHERS

Jilted sales staff on the rebound would like to meet production director who likes small town life, eating out, golfing, remote broadcasts and making killer commercials. We are considered average looking with brown-red-blond hair and blue-brown-green eyes. We like all kinds of music, but dislike z-rock deejays. We don't smoke, only drink socially, but occasionally turn out copy at 5 pm. Must like clients who do their own ads. Please send recent tape, phone number and resume. Code: J McCullough, WLPO/WAJK, Box 215, LaSalle, IL 61301. (Tapes can be no longer than 5 minutes in length and consist of commercials only.) EOE.

Program director with ideas, growth mentality to position AM News/Talk, soon to be AM/FM combo, in competitive Midwest medium market. College degree, heavy promotion, sales savvy, in touch with times a must. Autonomy. Resumes only. Box H-75. EOE.

Operations director, AM/FM. Needs ability to delegate, interview, remote broadcasts, production, competitive motivated person with sense of humor. Rush airchecks and resumes: Jimmy Young, KWHW/KRKC, Box 577, Altus, OK 73522. Equal opportunity employer.

Assistant program director: WCCO Radio is seeking a qualified assistant program director. Ideal candidate should have strong broadcast experience, leadership abilities and be able to work in a Combo and operator assist environment. Must have strong organizational skills and the ability to manage day to day operation of the programming and production department. Send resume to: Jon Quick, WCCO, Radio, 625 Second Ave. S., Minneapolis, MN 55402. Equal opportunity employer.

SITUATIONS WANTED MANAGEMENT

81% increase in billing: Arbitron up 166% 12+, 191% adults 25-54. Did it without promotion money or consultant in a tough top 30 market. Want to GM station that has a budget but needs similar increase. I'll make it happen for you. Box H-45.

Energetic, hard-working attorney with BA in R-TV-F desires career change. Will consider any entry level management position and/or percentage purchase. 713-790-0653, leave message.

Top ratings = top dollars. 10+ years radio management. Top sales/programming credentials. Bottom line, goal oriented street fighter. Bill James. 804-232-5197.

GM/GSM. Planning creates success, action brings results. hands-on leadership increases employee productivity. bottom-line orientation. track record of success in turnarounds and profit maximization. Box H-102

General manager/ sales manager. 20 years experience. Strong sales/ sales management. Available immediately. Gordon 312-896-6138

Experienced GM/ GSM seeking challenging opportunity. bottom-line hands on. Integrity, committed. Master's degree. Over-achiever in under challenged management slot. want to repeat past successes. All mail answered. Box H-106

SITUATIONS WANTED SALES

Street-side sales, management, and/or sales direction small/medium markets Texas, Southwest, Northwest, California. After 45 years, retirement didn't take. Box H-99.

I believe in and I sell Radio! Got a good format? I'm tired of networks and want out of the fast lane. Call 717-321-9035

SITUATIONS WANTED ANNOUNCERS

A distinctive voice begs for chance on Northeast coast. Proven. Experienced. Try me! Norman, 617-298-3437

Proven Talk Show host can program money maker. GM, medium or large market. Call Mel Young, 602-963-9144.

One of the best sportscasters is available. Excellent studio and play by play skills with network and major college and pro experience. Will consider return to TV. Bob Buck, 812-424-6020.

Rated, seasoned, married professionals seek medium market daytime for innovative proven programming. Box H-104.

Ivy League Grad seeks entry-level announcing position. Very outgoing personality. Extensive knowledge of sports, music, and politics. Definitely willing to relocate. Neil, 301-424-4984.

SITUATIONS WANTED TECHNICAL

Engineer/AT for FM Rock station in milder winter climate. Eric 219-924-8340 after 6:30 pm, weekdays. Central.

CE, with big production voice. Over 10 years hands-on engineering experience. Strong maintenance, repair and installation skills. Seeks CE position with production in a competitive top 100 market. 704-563-8676.

SITUATIONS WANTED NEWS

Major market sportscaster seeks Talk Show or anchor positions. Market quality, not size, is important. Jim, 718-836-5046.

Experienced sportscaster ready to move up. Exciting, descriptive PBP, degree; can combine with News or air shift. Call Bob 215-826-7081

Young blind sportscaster looking for a position in either the sports department or news department. Worked for CBS Sports, Sports Channel and WRHU Radio as on air sports anchor. Graduated with BA in Communication Arts from Hofstra U. Well versed in all sports, willing to relocate. Contact Larry at, 10 York Ct., Northport, NY 11768.

SITUATIONS WANTED PROGRAMMING PRODUCTION & OTHERS

Quality production: Fast. John Mack Flanagan, FAX phone 415-992-9070.

Director/musician: Looking for career that combines both abilities (rock videos/symphonies etc.). 5 years production experience in top-25 market, extensive musical background. 317-841-0954

A GM's P.D. -- You supply the challenge, I'll provide mature, winning expertise with budget savvy. 20 year veteran GM, OM, PD, AT, (WAPE, WOIK, WVOJ, WNDB), experienced in most formats. Available now. Prefer northern markets. Will consider all opportunities. Sorry, have no "magic clocks", just desire to work hard. Jeff 904-695-9849.

"Book out", #4 again? I've programed 5 #1 Arbitron rated stations, available now. Formats: AOR, CHR, AC, Jim Bunn, 912-987-1906.

MISCELLANEOUS

Make money in voiceovers. Marketing and technique for success in commercials and industrials. Seminars: Chicago 9/9-10; NYC 9/23-24. Also available on cassettes. Call for free info. Susan Berkley, 1-800-333-8108.

Management friendly investors seek satellite programmed radio stations. Minority positions considered. Send business plan, success story. Box G-21.

TELEVISION

HELP WANTED MANAGEMENT

National sales manager for network affiliate in top 50 market. Need five years sales experience - two years with rep. Excellent opportunity for growth with major television group. Send reply to Box H-63. EOE

WYZZ-TV Fox 43 in Peoria/Bloomington, Illinois seeks sales manager with strength in training and leadership to guide youthful staff in Peoria. Will consider AE with above qualities. Come grow with us! Call Rod Whisenant, 309-662-4373. EOE, M/F.

Director of sales research: Fox Television/WTTG is seeking a director of sales research to join our top sales team. At least three years experience as a research director at a major market station or New York rep firm is required. Thorough knowledge of the Arbitron and Nielsen rating system is essential. Must have strong computer skills and the ability to utilize graphics software. If qualified, please rush resume and non-returnable writing samples to: Personnel, Fox Television/WTTG, 5151 Wisconsin Ave., NW, Washington, DC 20016. EOE.

Local sales manager: Top 50 market Northeast affiliate. Looking for a dynamic local sales manager with minimum 5 years experience. Must have track record in developing new business (retail and corporate) and in co-op and vendor programs. Must be creative and have strong management skills. Send resume to Box H-87. EOE.

Award-winning public television station in Southwest seeks an advertising and promotion manager for overall publicity and promotional activities of the station, for developing and maintaining viewer information services and two-way communications between station and public, for development and supervision of the creation of program guide and coordination of circulation activities, and for development and management of budget and personnel for assigned area of responsibility. Good writing and editing skills required. BA in broadcasting or related field with 4-year minimum of progressive and directly related experience in promotion of which two years should be in television. Equivalent combination of education and experience will be accepted in lieu of degree requirement on a 1-year for 1-year basis. Salary \$23,629 DOE. Closing date 8/23/89. Reference this ad and Requisition No 761-A. Send resume to UNM Personnel Department, 1717 Roma NE, Albuquerque, NM 87131. AA/EOE

Production manager: WOFL-TV, central Florida's leading Independent/Fox television station, is seeking a full-time production manager to manage our state-of-the-art, total-service production facility. You will be expected to supervise and schedule a staff of 14, providing service to our sales, programming and promotion efforts while rapidly expanding our presence in central Florida's exciting production community. For this key position we need a leader with a strong production background, excellent people skills, and the ability to market our first-class facilities to a wide range of commercial, program agency and industrial clients. You will have the responsibility to operate your department with a minimum of supervision. Two years production management experience along with a college degree are strongly preferred. Please send resumes and/or tapes to Tom Meek, Director of Station Operations, WOFL-TV, 35 Skyline Dr., Lake Mary, FL 32746. No phone calls, please. WOFL-TV is an equal opportunity employer and a part of the Meredith Broadcasting Group.

National sales manager for strong CBS network affiliate in Las Vegas, NV. Need five years sales experience, rep experience a plus. Send resume to Andy Henderson, General Sales Manager, KLAS-TV, PO Box 15047, Las Vegas, NV 89114. EOE.

Promotion manager: Northeast NBC affiliate seeking an experienced, creative individual to handle all aspects of promotion, print, on-air production and PR. Great lifestyle in a highly competitive market near New York City and Philadelphia. We are a major group that offers excellent growth potential. Send resume with salary requirements to: Ron Pulera, VP/General Manager, WBRE-TV, 62 South Franklin St., Wilkes-Barre, PA 18773. EEO.

Promotion manager for top 50 Fox Indy. Hands-on promotion person to improve ratings performance. Reply in confidence to Box H-108. EOE.

Local sales manager: ABC affiliate, 57th market. We're looking for a candidate with exceptional sales record, organizational and sales training skills to lead a top notch local sales force. Send resume and compensation requirements to Jerry Watson, VP/GSM, KAKE-TV, PO Box 10, Wichita, KS 67201. No phone calls, please. EOE.

National sales manager: WOFL-TV has opening for a national sales manager. Requirements are five years experience in local/regional/national sales. Must have knowledge of ratings, other related research and national account structure and organization. Must be able to provide leadership and to motivate and maintain enthusiasm with national representatives. College degree preferred. Send resume to: Personnel, WOFL-TV, 35 Skyline Dr., Lake Mary, FL 32746. No phone calls. EOE.

General sales manager for growing network affiliate in medium market. Prior television sales management required. Box H-109. EOE

Director of development: Chief fund raiser at public television station. Supervises membership, auction, tele-marketing, underwriting personnel. Requires thorough formal training in acceptable charitable fundraising procedures. Previous experience in PTV development, four year college degree desirable. Resumes to Personnel Manager, KCOCS, PO Box 650, El Paso, TX 79968 by September 1, 1989. EOE.

HELP WANTED SALES

Scenic Chattanooga, Tennessee Indy, part of growing SE group, seeks experienced independent sales professional. Best commission structure anywhere. Great opportunity for growth. EEO. Send resume or call Ray Hansen, WDSI-TV, 2401 East Main St., Chattanooga, TN 37404, 615-697-0661, FAX 615-697-0650.

General sales manager: Group-owned, NBC affiliate. Must currently hold GSM position or have extensive experience as LSM. Experience in national sales an absolute requirement. Send detailed resume, with references and salary requirements to Stephen Brock, WCIV, PO Box 22165, Charleston, SC 29413. EOE.

Account executive: Growing CBS affiliate in 34th DMA needs an experienced account executive, minimum two years in local sales. Join a committed sales team with all the tools. Beautiful facility, excellent benefits. Resume to: Otis Pickett, LSM, WSPA-TV, PO Box 1717, Spartanburg, SC 29304. EOE

Experienced broadcast sales executive needed for leading Mid-South affiliate. Strong agency background with regional experience preferred. Working knowledge of Marshall Marketing and product target ad, combined with strong marketing oriented new business development a plus. Reply to: Jim Lewis, Local Sales Manager, KATV, PO Box 77, Little Rock, AR 72203. EOE.

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HELP WANTED TECHNICAL

Chief engineer: Midwest VHF affiliate seeking an individual with strong maintenance background and proven administrative abilities. Applicant should have comprehensive knowledge and experience in all areas of commercial broadcast engineering. Send resume to Don Hicks, KOAM-TV, Box F, Joplin, MO 64802. EOE.

Maintenance technician wanted for university with new S-VHS television production facility and KU uplink. Opportunity to help develop a unique program. Experience and motivation required. Send resume to Dr. Bill Long, Louisiana Research and Development Center, Northwestern State University, Natchitoches, LA 71497. EOE.

Chief engineer for a medium market UHF network affiliate in the deep South. Must possess hands-on technical experience in maintenance and repair of studio equipment with a working knowledge of state-of-the-art UHF transmitters. Strong leadership capabilities desired. Would prefer 3 years management experience. Letters/resumes and references to Box H-80. EOE.

Dominant VHF network affiliate seeks maintenance engineer to install and maintain equipment. Knowledge of ADO, 3/4", 1" and 2" tape helpful. Beta-cart experience a plus! Reply to: Larry W. White, Chief Engineer, KLST-TV, PO Box 1941, San Angelo, TX 76902. EOE, M/F.

1 editor: Industry leader company in long form TV advertising seeks editor. Position requires a creative attitude. Must have 1" and 3/4" videotape editing experience; computer editing capabilities preferred. State-of-the-art facility in Midwestern college town of 10,000. Great opportunity to grow with our company. Send tape/resume to: Dawn Bentley, Hawthorne Communications, Inc., 406 W. Depot, Fairfield, IA 52556. Calls welcome: 515-472-3800. EOE.

Sound recordist, Wisconsin Public Television, Green Bay, WI. Record & mix for video and 16mm film productions. 3 years TV/film audio experience required; BA preferred. \$20,000 min. + benefits. Call Connie Gruen at 608-263-2114. Application due Aug. 31. EOE.

Television maintenance engineer. Applicant must have minimum of 2 years recent exp. in TV broadcasting maintenance. The candidate should be able to repair to component level, equip. such as VTR's, cameras, switchers and edit suites. Please contact Ruth Ward, Personnel Director, Trinity Broadcasting Network, 14131 Chambers, Tustin, CA 92680, 714-832-2950. We are an equal opportunity employer.

Chief engineer for quality minded station in beautiful Idaho. We need a hands-on chief to give tender loving care to our well equipped transmitter, studio, microwave, ENG, and LPTV operation. Good pay, benefits. Call or write Harry Neuhardt, GM, KPVI-TV, 425 East Center, Pocatello, ID 83204, 208-233-6667. EOE.

Assistant chief engineer: Rural Alaska AM/TM Combo is looking for a self motivated person with at least 4 years experience in radio/television maintenance. Applicants should have valid FCC General or SBE certification. Duties include maintenance on modern transmitters and studio equipment, system design and installation and limited administrative tasks. Salary DOE plus excellent fringe benefits. Send resume to Brad Humerstone, CE, KYUK AM/TV, Pouch 468, Bethel, AK 99559. FAX 907—543-3130. EOE.

HELP WANTED NEWS

Anchor/producer for award-winning, well-equipped and very competitive group-owned NBC affiliate near Mt. Rushmore. Minimum 3-5 years experience as commercial TV reporter/anchor, strong delivery and leadership skills a must. Dan Schilling, KEVN-TV, Box 677, Rapid City, SD 57709. EOE.

Medium Mid-South news operation seeking reporter and producer. Send resume and salary requirements to: Box H-68. EOE.

Reporter: For magazine format syndicated TV health show. Minimum two years TV experience in field/on-air. Medical background helpful. RN preferred. Send resume and tape to PO Box 555, Columbus, OH 43216. EOE.

Anchor: Position available with WRBL-TV 3. CBS. Experienced news anchor with strong leadership qualities, who can produce, write and edit. Mail tape/resume/references and salary history to General Manager, WRBL-TV 3, PO Box 270, Columbus, GA 31994. EOE.

We are anticipating an opening for an anchor/reporter who can cover news and sports. Shooting skills also desirable. Send non-returnable tape and resume to Pete Michenfelder, News Director, WJBF-TV, 1001 Reynolds St., Augusta, GA 30903. Minorities encouraged to apply. EOE.

Reporter: The nation's #1 prime-time news team seeks an aggressive, experienced, troubleshooter reporter who specializes in solving viewer problems. At least 5 years TV news experience is required. Must have strong personality with solid writing and reporting skills. If qualified, rush resume and non-returnable audition tape to: Personnel, Fox Television/WTTG, 5151 Wisconsin Ave., NW, Washington, DC 20016. No phone calls. EOE.

N. Florida's #1 news seeks chief photographer with great eye plus people skills. Six years shooting experience required. Previous management preferred. Send tape and resume (no calls, please) to: Bart Feder, News Director WJXT, PO Box 5270, Jacksonville, FL 32207. A Post-Newsweek station. EOE.

Weathercaster. Midwestern network affiliate is seeking professional, articulate, credible weather anchor. AMS credentials preferred, on-air experience required. Respond to Box H-93. EOE.

Experienced news director. Aggressive southern California Independent where news is top priority. Opportunity knocks. Call Brent Cox at 619—241-5888. EOE.

Producer: 66th ADI, NBC affiliate wants good writer and take charge person for 10PM newscast. Send tape and resume to Jon Janes, News Director, WHO-TV, 1801 Grand, Des Moines, IA 50308. No calls, please. EOE.

Weathercaster/on-air personality. Must be able to deliver weather forecasts and feature elements of a daily news broadcast in a clear, informative, mature yet entertaining style. Applicant must be creative, with a flair for production. Prior on-air experience preferred. Resume, tape and letter explaining why you are right for the job to Ned Warwick, WPVI-TV, 4100 City Line Ave., Suite 400, Philadelphia, PA 19131. EOE. No calls, please.

News promotion producer: WTVT, CBS in Tampa, needs the best news tease writer/producer in the country. We want a creative driven person for our #1 rated news department. You'll be responsible for writing and producing daily news promotion, newsbreaks and POPs, with marketing in mind. Experience as a writer/producer a must. Marketing and editing experience helpful. Send resume and non-returnable tapes and scripts to Artie Scheff, Promotion Manager, WTVT-TV, 3213 W. Kennedy Blvd., Tampa, FL 33609. No phone calls, please. EOE.

News director. With current VP/news director retiring at the end of this year, we need someone who can build on our winning tradition. The successful candidate will function as managing editor during the interim period. We need a person with a nose for news, an eye for great video, and a track record of highly visual, compelling newscasts. Tell me what you've been up to today, and your news vision for tomorrow. Mike Smith, VP/GM, KWWL, 500 East Fourth St., Waterloo, IA 50703. EOE.

Assistant news director: KTBC-TV, CBS affiliate in Austin, Texas is looking for an assistant news director. We need a good second-in-command who can also run the assignment desk. I'm looking for someone with judgement of Ted Koppel. The enthusiasm of Lou Holtz and the personality of Jim Valvano. Anybody out there? Send resume and tapes to Tim G. Gardner, News Director, KTBC-TV, PO Box 2223, Austin, TX 78768. EOE.

South Florida affiliate needs creative news photographer/editor. 2 years minimum experience. Top-notch operation, visual emphasis. Send tape and resume to: Keith Smith, 3719 Central Ave., Ft. Myers, FL 33901. EOE.

We need someone to direct our news. Midwest NBC affiliate, top 50. EOE. M/F Box H-97.

Special projects photographer: Number one CBS affiliate has immediate opening for a creative, energetic news photographer. Strong production skills and ability to meet deadlines with quality work a must. No run of the mill stories to cover. Work on medical, investigative, hard news. Send tape, resume, and salary history to: Elliott Wiser, WTVR-TV, 3301 West Broad St., Richmond, VA 23230. No phone calls, please. EOE. M/F.

Meteorologist: Aggressive Southwest affiliate looking for a meteorologist to take over weather department and anchor it's 6:00 and 10:00 newscasts. Liveline Three weathergraphics and established weather network. 18 person newsroom. Minimum one year experience. Send resume and salary requirements. Box H-103. EOE.

Provocative, nationally syndicated news magazine needs segment producer. Job includes coordinating stories, some travel, field producing, writing, etc. 3-5 years news experience required. Send resume to Box H-110. EOE.

Talk show host for NYC high profile, weekly cable real estate program. On-air experience and familiarity with real estate business, NYC preferred. Great exposure. Resume/tape to Pam Ross, Manhattan Cable TV, 120 E. 23 St., New York, NY 10010. EOE.

America's newest network needs new story contributors. We are a Washington, DC based feature network looking for reporters in the following categories: Health/medical, consumer, business, lifestyles, the environment, veterinary humorous, or anything unique and creative. Send tape with at least three prime examples to Newslink, 122 C St., NW, Washington, DC 20001. EOE.

HELP WANTED PROGRAMING PRODUCTION & OTHERS

Executive producer-promotion. If you have an outstanding reel, 3 years experience, a desire to make your on-air creativity shine and if you feel you're in a deadend job, WSOC-TV wants to see your work! We need a top-flight creative on-air pro to take over responsibility for our on-air product. Send reel and resume to: Alan Batten, WSOC-TV, 1901 N. Tryon, St., Charlotte, NC 28206. EOE. M/F.

Copywriter/promotion assistant: Fox Television/WTTG needs copywriter with creativity, energy and motivation to join fast-paced TV promotion department. Position will be responsible for writing advertising copy for station print ads, sales promotion, whatever, and assisting PR director with writing news releases, media relations and special events. Great opportunity to grow and be part of exciting world of television. Requires strong writing skills, copywriting experience and good marketing sense. Send resume with non-returnable samples of your copywriting abilities to: Personnel, Fox Television/WTTG, 5151 Wisconsin Ave., NW, Washington, DC 20016. EOE.

Promotion manager in Florence/Myrtle Beach, South Carolina. We are a group-owned ABC affiliate in one of the most dynamic, fastest growing small markets in America. You'll need to know or learn how to do it all. Strong writing skills necessary. Tapes and resumes immediately to Bill Christian, Vice President and General Manager, WPDE-TV 15, 3215 South Cashua Dr., Florence, SC 29501. No calls, please. EOE. M/F.

Evening newscast director: Sought by market-leading Southeastern CBS affiliate. BA preferred; newscast directing experience and ability to handle commercial edits required. Outstanding opportunity for weekend or daytime newscast director to move up. Send resume, tape and salary requirement to Operations Manager, WTOG-TV, 516 Abercorn St., Savannah, GA 31401. EOE.

Producer/director: WYTV, Youngstown, Ohio is seeking a top-notch director whose primary responsibilities will be to direct the 6 & 11PM newscasts and supervising evening operations. Qualified applicants must have a minimum of 3 years experience directing newscasts. Send resume, tape and references to Frank Marafiotte, Director of Operations, WYTV, 3800 Shady Run Rd., Youngstown, OH 44502. No phone calls, please. EOE.

Television producer/director: KCCI-TV, Des Moines, Iowa, is seeking a producer/director with at least 2 years full-time directing experience in newscasts and commercial production. Shift will include directing weekend newscasts. Send resume and salary requirements to: Production Manager, KCCI-TV, PO Box 10305, Des Moines, IA 50306. EOE.

#1 station, 39th market needs director. Directs live broadcasts, studio sessions, and remotes. Supervises, critiques, and trains operations personnel. Prefer similar experience in smaller market. Requires: High school and 2 years prior related experience. Send tape and resume to C. Plank, KWTW, 7401 N. Kelley, Oklahoma City, OK 73111. EOE.

Promotion manager in Florence/Myrtle Beach, South Carolina. We are a group-owned ABC affiliate in one of the most dynamic, fastest growing small markets in America. You'll need to know or learn how to do it all. Strong writing skills necessary. Tapes and resumes immediately to Bill Christian, Vice President and General Manager, WPDE-TV 15, 3215 South Cashua Dr., Florence, SC 29501. No calls, please. EOE. M/F.

#1 station in #1 market needs #1 asst art director: WABC-TV in New York, seeks a highly qualified, hands-on assistant art director. Major market experience and strong management skills needed. Lots of pressure, tight deadlines, great opportunity. Experience with state-of-the-art computer design and production equipment a must. Send resume and reel to John Jamilkowski, WABC-TV Art Dept., 7 Lincoln Sq., New York, NY 10023. WABC-TV is an equal opportunity employer.

Field producer for one hour public affairs program. Strong skills in writing, research, editing, and scheduling. Well versed in current issues, as well as African-American history. Need sharp communication skills. Resumes and tapes only to Gil Noble, Producer, WABC-TV, Suite #114, 7 Lincoln Sq., New York, NY 10023. No phone calls. We are an equal opportunity employer.

Production manager: Need experienced, organized, budget-minded individual to coordinate schedules of directors, set-up remotes, plus in-studio and field production experience necessary. Minimum 5 years in similar position. Send resume to Art Moore, Director of Programming, WABC-TV, 7 Lincoln Sq., New York, NY 10023. No calls. We are an equal opportunity employer.

Writer/producer: ABC affiliate in the 13th ranked television market is looking for a writer/producer in their marketing department. Will produce promos for programming, special projects, news and PSA's. Successful candidate will possess finely tuned writing and television promotion skills. Must have three years of experience and a great tape. Film experience helpful. Rush tape, resume and cover letter to: Guy Grossman, Director of Marketing, KSTP-TV, 3415 University Ave., St. Paul, MN 55114. Equal opportunity employer, M/F.

Producer/director 1 for Iowa Affairs division: Studio, remote, and field producer/director of programs, segments, and stories. Strong research, writing, editing, organizational, and public relation skills required. Proven and productive related experience required. (Videotapes received on request only.) Salary: \$25,417 beginning, plus full benefit package. For official application blank and complete job announcement, contact: Personnel Department, Iowa Public Television, PO Box 6450, Johnston, IA 50101. 515—281-4498. EOE. M/F.

Producer/director needed for network, commercial, and independent productions in several Northeast markets. Must have strong reel and hands-on experience. Send 3/4" tape to: PO Box 904, Easton, PA 18044. EOE.

Art director: If you work fast, but smart, and you're willing to go the extra mile to make each on-air graphic splash across the screen, we're interested in offering you an unique challenge. We're searching for an excellent broadcast designer with at least three years experience in designing daily news and programing graphics. Experience on an AVA Paintbox is a plus. Strong print skills are mandatory. Send resume, tape, and salary requirements to: Roxann Nelson, WVIT-TV, 1422 New Britain Ave., West Hartford, CT 06110. No phone calls. EOE.

On-air promotion producer: Do you have lots of ideas? KERA-TV is looking for a creative, highly motivated person to write, direct and produce program and event promos for this public television station. Must have two years experience in television, degree in TV/film preferred and public television experience desirable. Please send resume, non-returnable VHS or 3/4" tape, detailed credit and take sheet, and salary requirements to: Personnel, 3000 Harry Hines Blvd., Dallas, TX 75201. EOE.

Producer/director: WAVY-TV has an excellent opportunity for a highly motivated and experienced producer/director. College degree preferred, experience with studio crew supervision, commercial, news, public affairs and promotion production, with comprehensive knowledge of studio/location production and lighting. Must establish and maintain a good rapport with clients. Must be able to direct and switch your own productions. Quality minded applicants send resume only to Rob Gray, Production/Operations Manager, 300 Wavy St., Portsmouth, VA 23704. No phone calls or tapes will be accepted at this time. EOE.

Host/field producer: New Jersey Network is seeking an experienced producer and on-camera personality to appear in an award-winning weekly Arts Magazine program airing in the #1 and #4 markets. In addition to an exciting on-air persona, this person must possess top journalistic credentials, writing and field producing skills including own cassette editing. Must exhibit solid background, interest in and commitment to the Arts. Search for qualified candidates extended. Competitive salary. Send resume and tape to Nila Aronow, Series Producer, New Jersey Network, 1573 Parkside Ave., CN 777, Trenton, NJ 08625. EOE.

Computer graphic artist. Create news and commercial graphics. Send resume to: Bruce Sloan, KTVA, 1007 W. 32nd Ave., Anchorage, AK 99503. EOE.

Production director/switcher. Need experience in directing newscasts, producing commercials, switching on-air. Send resume to: Duane Millsap, KTVA, 1007 W. 32nd Ave., Anchorage, AK 99503. EOE.

SITUATIONS WANTED SALES

Television sales professional with strong, successful sales background. Mid-Atlantic or Southeast preferred. Advertising Club Silver Metal Award for professionalism. Call Ron at 703-772-7885.

SITUATIONS WANTED TECHNICAL

Television chief engineer. 24 years total engineering experience. 13 as chief engineer. Experience with news operations in network affiliates. Please reply Box H-77

Multit-talented group in NE seeking freelance, part time, full time opportunities. All aspects of production, operations even maintenance! Box H-114. EOE.

SITUATIONS WANTED NEWS

Meteorologist with AMS seal, Master's from Penn State and 5 years in a top-40 market. Liveline and WSI experience, and weather feature reporting. Call Mike at 803-268-5164.

CovertCam operations: Combat & street trained video news gatherer. Not afraid to bring back that impossible news footage. 412-244-0815.

Excellent, experienced sportscaster. Knowledgeable in news also, looking to work for a good station. 216-929-0131. Box H-77.

Sports anchor/reporter: Experienced nightly news sports anchor/reporter in Long Island/NYC market. Developed and produced local features. Have host and play-by-play experience. Call Mike 718-934-1434 Messages 212-545-5661. (9-5).

Sports journalist/anchor. Much more than scores. 12 yrs. exp. incl. major mtk. Looks, personality. 416-465-4435.

Sports: Black male sports journalist seeking job in any market. Can shoot, edit, anchor 2 1/2 years experience. Anxious for step forward. Contact Anthony 512-674-7093.

News/sports. Energetic, bright, highly motivated with experience seeks entry level position. Degree in Broadcasting. Can shoot, edit. Will accept related positions, willing to relocate. Demo tape avail. Call Liam 703-823-6319

Lawyer/journalist: Winning combination! Attorney, 5 years medium market experience, seeks investigative or general assignment position emphasizing hard news. Call Tom. 612-332-6334.

Former director of news, TV, radio ads, and syndicated childrens' TV program. Also worked as writer/researcher for NYC production co., and ad agency. Not picky about market or location. Salary negotiable. Call Christopher before 11:30am and after 8:00pm EDT at 717-824-0759.

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Primo People—the news director's best friend! We can deliver the best in screened and available talent, and we can do it immediately! Call Steve Porricelli or Fred Landau at 203-637-3653. Box 116, Old Greenwich, CT 06850-0116.

Rent: Complete 30' mobile production truck - 4 IKE 79E triax cameras. 3 1" VTRs. Also, portable 2 GIG microwave links. Call Media Concepts 919-977-3600.

Bill Slater and Associates offers talent coaching for the individual anchor and reporter. Also help with audition tape. Affordable cost. 601-446-6347.

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Systems consultants needed for Marketron, the leader in broadcast software. Position responsible for software installation, maintenance and client training. Must have traffic experience, some PC knowledge, strong communication skills, and be available to travel nationwide. Send resume and salary history to: Personnel Dept., Marketron, Inc., 101 Lincoln Center Dr., Suite 300, Foster City, CA 94404. EOE.

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On-camera coaching: For TV reporters. Polish anchoring, stand-ups, interviewing, writing Teleprompter. Learn from former ABC Network News Correspondent/New York local reporter. Demo tapes. Critiquing. Private lessons. 212-921-0774. Eckhart Special Productions (ESP).

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Wanting 250, 500, 1,000 and 5,000 watt AM-FM transmitters Guaranteed Radio Supply Corp., 1314 Iturbide Street, Laredo, TX 78040. Manuel Flores 512-723-3331.

1" videotape. Looking for large quantities. 30 minutes or longer will pay shipping. Call 301-845-8888.

Maze broadcast pays cash for selected television & video equipment. Phone or fax your list now. 205-956-2227

FM antenna(s) - Will buy used FM broadcast antenna(s) - Any make - Any model - Call 806-372-4518.

Wanted! Harris SX5 AM transmitter. Prefer 3 phase AC with updated improvements. Good conditions. Will pay top dollar. Call Jack Davis at 407-686-8000.

Cash or equipment trade for TV antennas, transmitters and/or parts. Jerry Servatius, J.S. Broadcast Antenna-Transmitter Sales and Service, 8604 Hopewell Dr., El Paso, TX 79925. 915-772-2243.

FOR SALE EQUIPMENT

AM and FM transmitter, used excellent condition. Guaranteed. Financing available. Transcom 215-884-0888. FAX 215-884-0738.

50KW AM Harris MW50A (1980), like new. CCA-AM 50,000D (1976), excellent condition. Transcom Corp. 215-884-0888. FAX 215-884-0738.

FM transmitters CCA 27,000 (1980) Harris FM 20K (1980) CSI T-3-F (1985) RCA BTF20E1 (1976,1976) 3.5KW McMartin (1985) 5KW Gates FM 5G (1967) RCA 5D (1967) CSI T-12-F (1980) Transcom Corp. 215-884-0888. FAX 215-884-0738.

1KW AM transmitters CSI T1A (1981), Sparta SS1000 (1981) Collins 20V3 (1967) Transcom Corp. 215-884-0888. FAX 215-884-0738

AM transmitters CCA AM 10,000 (1970), Collins 820F (1978) Harris MW5A (197681) Gates BC-5P2 (1967) McMartin BA2, 5k (1981) Transcom Corp. 215-884-0888. FAX 215-884-0738.

New UHF TV transmitters: Klystron, MSDC Klystron, Klystrode, all power levels 10kw to 240kw. Call TTC. 303-665-8000.

RCA UHF transmitter: 30 or 60Kw. available as is, or converted to MSDC Klystrons with new TTC warranty. Call TTC. 303-665-8000.

New LPTV transmitters: UHF and VHF, all power levels. Turn-key installation available. Call TTC. 303-665-8000

1000' Kline tower. Standing in Nebraska, including 1000' of 6 1/8" coax. Great for TV or FM. Can be moved economically. Call Bill Kitchen, TTC. 303-665-8000.

120 KW UHF transmitter package TVT/Varian transmitter package just traded in on a new TTC 240 KW system. Excellent condition. Now tuned to Channel 54. Includes 1000' waveguide and antenna. Low price. Call Bill Kitchen, TTC 303-665-8000, Ext. 101.

FM antennas. CP antennas, excellent price quick delivery from recognized leader in antenna design. Jampro Antennas, Inc. 916-383-1177.

TV antennas. Custom design 60KW peak input power. Quick delivery. Excellent coverage. Recognized in design and manufacturing. Horizontal, elliptical and circular polarized. Jampro Antennas, Inc. 916-383-1177.

Broadcast equipment (used): AM-FM transmitters, RPU's, STL's, antennas, consoles, processing, turntables, automation, tape equipment, monitors, etc. Continental Communications, 3227 Magnolia, St. Louis, MO 63118. 314-664-4497. FAX 314-664-9427.

Blank tape, half price! Perfect for editing, dubbing or studio, recording commercials, resumes, student projects, training, copying, etc. Field mini KCS-20 minute cassettes. \$4.99. Elcon evaluated 3/4" videocassettes guaranteed broadcast quality. To order call Carpel Video inc., toll free 1-800-238-4300

Hitachi HR-200B, new heads, \$15,000. Sony BVW-40s. BVW-25, BVW-10, BVW-15, Sony BVU-800s and 110s. Many other items of all kinds. 1" VTRs, film islands, character generators. Call for a complete list. There's a new one every month. Media Concepts 919-977-3600

Anixter Marx 5 meter transmit/receive C-band satellite dishes, power amplifiers, etc. for SPCP audio uplinking. Can supply complete package. Megastar, 702-386-2844.

Stereo audio uplink on C-band subcarrier available. 1-800-328-2546.

Scientific Atlanta, model 8005, 4.6 meter satellite antennas \$2,500. Broadcast quality receivers, SA414 \$1975. Megastar 702-386-2844.

Satellite teleport for sale with two C-band and two Ku-band earth stations. Perfect for cable channel broadcasting. \$825,000 plus lease or purchase of land. 1-800-328-2546.

Plumbicon tube tester and conditioner. Almost new. Offer. 702-386-2844.

Kline tower 645 ft. with two platforms, has been dismantled. 205-322-6666. WBRC-TV

RCA TP-66 film projector and RCA TP-15 multiplexer for sale. 205-322-6666. WBRC-TV.

Equipment financing: New or used 36-60 months, no down payment, no financials required under \$25,000. Re-finance existing equipment. Exchange National Funding, 214-422-5487.

Save \$\$\$! - Complete Class A FM transmitter plant (used). Includes antenna, tower, coax, transmitter, STL, remote control. Package priced under \$45,000.00! Call 806-372-5130 for details.

Transmission line: Celwave rigid coax 6 1/8" 75 ohm 19-1/2' sections - 900'. Less than one year in operation. Spring hangers, field flanges, pressurization. Contact Doug Holland, 800-635-5608.

Transmitter: Comark CTU-25 MX multiplex UHF transmitter. Less than one year in operation. Complete with klystron and exciter tuned to channel 30. Will re-tune. Contact Doug Holland, 800-635-5608.

Antenna: Andrew UHF antenna, sidemount channel 30 less than one year in operation. Contact Doug Holland, 800-635-5608

Studio: Studio equipment Sony VP-7000, 5850's., RM editors, monitors, Sigma switcher, 3M CG, racks, etc. Contact Doug Holland, 800-635-5608.

For sale: Three Harris TC50 camera systems with lenses, ITE tripods and CAM heads. 5K each. Call 219-424-5555. Ask for Glenn.

Satellite antenna: New Comtech 3.8 meter complete with feed horn. C.N.A.'s. Must sell. Save \$. For details call 818-840-7231.

Used-new-AM, FM, TV transmitters, LPTV, antennas, cable, connectors, STL equipment, etc. Save thousands. Broadcasting Systems, Inc., 602-582-6550.

Harris MW-50A transmitter currently on-air on 540 Khz with spares. Transmitter has been well maintained. Buyer responsible for removal. Selling due to site relocation. Available for inspection while operating until November. Contact Howard Hoffman, 813-324-5400.

50 kw, four tower phasor on 540 Khz. Will sell as a system including ATUS or for individual parts. Schematic and parts list available. Contact Howard Hoffman, 813-324-5400.

Sony M3A and Sony VO 6800, batteries, charger, adaptors, cables. Canon 9 x 15 lens, excellent condition. \$5600. Vernal Productions, 206-542-3532.

TELEVISION

Help Wanted Management

GENERAL MANAGER

Exciting new media company in Chicago seeks take charge prof'l w/8-10 yrs experience in network and local TV news logistics, unit mgmt, budgets, and staff motivation. Top salary & benefits for top person.

**Send resume to:
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EOE

Help Wanted Sales

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Responsibilities include:

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Requires familiarity with
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Exp. with local consumer research
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Send resume to:

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person.

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Help Wanted Programing Production & Others

TELEVISION DIRECTOR

Government Television Production Facility
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Experienced Director.

Qualified applicants should have background
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Specialized experience in instructional and/or
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Starting Annual Salary - \$28,852

Interested candidates write to:

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ATTN: External Recruiting Branch
1182 Fishing Point Drive, Suite C
Newport News, Virginia 23606

Or Call
(804) 873-3152 For Application Package.
EEO. Closing date for position is 24 August 1989.

Help Wanted Programing Production & Others Continued

Creative.

Okay, so it's an overused word. But it's still the best way to describe what we're looking for in a promotion writer/producer. Someone who has terrific ideas and knows how to execute them. Someone with experience writing and producing terrific spots for TV news and programming. Does this sound like you? Good. Rush tape and resume to:

Sherry D. Hodge
Director of Adv. & Promotion
WNEV-TV
7 Bulfinch Place
Boston, MA 02114



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Send resume, reel and examples of work to:

Personnel
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Blind Box Responses:

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c/o Broadcasting Magazine
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Washington, DC 20036

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Bophuthatswana Television has vacancies for suitable qualified and experienced television engineers. Two- and three-year contracts will be offered to engineers who would like to spend a part of their professional life living and working in Southern Africa. Applicants should be capable of working with the PAL Television format. Opportunities exist to learn and work in all areas of television, including satellite reception and transmission.

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Director General
c/o Allpoints International
1250 Connecticut Avenue, NW
Suite 319
Washington, DC 20036

ATTN: James Denson
EOE

VIDEO EDITOR

On/Off-Line Editor wanted for Tampa production facility. Candidate must have five years experience in 1" editing and an A.A. degree in TV/Film or related field; BA/Bs degree highly desired. Working with Sony, Abekas, Chyron & Grass Valley production tools, the successful candidate will edit high-end long-form corporate & business television programs. Position requires strong editorial and people skills and T.D. ability for live multi-camera sessions.

We offer a competitive salary commensurate with experience and the kind of comprehensive benefit program you would expect from an industry leader. Please forward resume and salary history in strict confidence to: GTE, Technical Manager, PO Box 374, Tampa, FL 33601-0374.



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Help Wanted News

WANTED


TV Sports Director for Top 115 Market. KNOE-TV enjoys the highest rating and share around the clock of all CBS Affiliates. We are looking for an experienced, dynamic, knowledgeable leader for our five-person sports team. Coverage includes Grambling, Northeast Louisiana and Louisiana Tech Universities. Compensation is negotiable.

We want the best!

Send tape and resume to:
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KNOE-TV
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Monroe, Louisiana 71211
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SEEKS EXPERIENCED
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Qualified individual should possess a minimum of two years line news production experience. Qualified, interested applicants should submit a resume, video tape, and writing samples to:

WSOC  Charlotte
Attention Bobbie Slaughter
P.O. Box 34665
Charlotte, NC 28234
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Enterprises, Inc.
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He/she will be responsible for growth and profitability of this key subsidiary of Crown Communications, the rapidly growing quoted media company with holdings in UK and Europe.

All the usual benefits commensurate with this important position are available to the successful candidate, as well as excellent future prospects.



Please apply in writing by no later than August 20, enclosing full resume to:
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This is the only ad that will run for this position. All references will be thoroughly checked. EOE.

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Help Wanted Technical

**COMMUNICATIONS
SYSTEMS ENGINEER
PBS**

PBS is seeking an experienced electrical engineer to develop and evaluate new technologies to determine the feasibility and cost effectiveness of implementation. Responsibilities include providing in-depth technical analyses, participating in ongoing development projects, and monitoring industry standards committees. Successful applicant will have a BS degree in electrical engineering with a minimum of 5-7 years experience in broadcast systems engineering, satellite, or data communications. PBS offers a salary commensurate with experience and an excellent benefits package. Interested candidates should send letter of interest, resume, and salary requirements to:

PBS
Attn: Carla A. Gibson
1320 Braddock Place
Alexandria, VA 22314
PBS is an equal opportunity employer



CABLE

Help Wanted Technical

CABLE OPERATIONS TECHNICIAN

Shares primary responsibility for the operation of the College-operated government-education access channel. Performs satellite reception and distribution functions, plans and performs production-related services, and assists in the on-going assessment and maintenance of equipment. Associate's degree in video production or equivalent combination of education and work experience. Two years prior service in television studio production, broadcasting, or cable origination with demonstrated related skills. At least one year of successful experience supervising personnel. Ability to demonstrate a high degree of professionalism and reliability and to work with minimum direct supervision. Ability to express ideas clearly and concisely. Full-time position available immediately. Starting salary between \$17,000 - \$19,500. Excellent fringe benefit package.

Submit resume and/or letter of application to:

Personnel Office
HARRISBURG AREA
COMMUNITY COLLEGE
3300 Cameron Street Rd.
Harrisburg, PA 17110

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Public Notice

Advanced Television Test Center Calls for Research Proposals

The Advanced Television Test Center (ATTC) has issued a Request for Proposals (RFP) for research to investigate consumer responses to "letterbox displays." The FCC has required that advanced television systems be compatible with NTSC for display on home receivers. In order to achieve this, some advanced television system designers have devised a system to show a wide aspect ratio picture on a conventional screen. The result is that a set of dark bars frame the picture at the top and bottom or either side of NTSC screens. This is the so-called "letterbox" technique.

In this proposed research, the ATTC hopes to develop answers to a number of questions, such as - Do consumers recognize letterbox displays, and if so, what do they think of them relative to regular NTSC displays? Do consumer reactions vary? If so, what affects their reactions? Programing? Equipment?

The proposals are due by September 8, 1989; the selected applicant will be announced by October 18 and the research is due by December 29, 1989.

For a copy of the RFP please call Dr. John Abel, ATTC Consumer Committee Chairman at 202-429-5386, or Rick Ducey, ATTC Consumer Research Manager, at 202-429-5382, or write to ATTC Consumer Research Project, 1771 N Street, NW, Washington, DC 20036.

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Fates & Fortunes

Media



Gehron

John Gehron, VP and general manager. WODS(FM) Boston, joins WNUA(FM) Chicago as general manager.

Don Davis, program director. WLTT(FM) Bethesda, Md. (Washington), named VP and general manager.

Changes at KPFT(FM)

Houston: **Jean Palmquist**, general manager, awarded Women and Minority Public Broadcast Fellowship, Ohio University, Athens. Palmquist will pursue masters in telecommunications. **Mary Helen Merzbacher**, subscriptions director, named interim general manager; **Edward McGoodwin**, subscriptions assistant, named interim subscriptions director.

David M. Harris, group VP, national sales. Marlin Broadcasting, Miami, joins WJQY(FM) Fort Lauderdale, Fla., as VP and general manager.

Lori C. Prolo, general manager, Central Pennsylvania systems. Susquehanna Cable Co., Lewistown, Pa., named regional manager of Indiana, Illinois and Central Pennsylvania systems.

Thomas R. Unglaub, president. Western TV Cable, San Francisco, to same capacity, Inland Valley Cablevision, Hemet, Calif. **Marilyn Klaren**, director of customer services, Western TV Cable, succeeds Unglaub.

Michael Conway, general sales manager. WTXF-TV Philadelphia, named station manager.

Mike Berman, general sales manager. WXON(TV) Detroit, named station manager.

T.J. Feola, national sales manager. WNRI-FM Pittsburgh, named VP and chief operating officer.

Jonathan Parmer, business manager. WEND (AM) Brandon (Tampa, St. Petersburg), Fla., joins Sun Radio Network, Tampa, as affiliate relations manager.

Dick Ratto, credit manager. KGO-AM-TV San Francisco, joins KFTY(TV) Santa Rosa, Calif., in same capacity.

Paula Mims, secretary. Montgomery-Ward corporate offices, Chicago, joins WQRF-TV Rockford, Ill., as assistant business manager.

York: **Doug Greenlaw**, senior VP, advertising sales, named executive VP; **Harvey Ganot**, VP, advertising sales, named senior VP; **Rich Cronin**, VP of marketing, Nickelodeon/Nick at Nite, named senior VP.



Marinelli-Mazza



Press

Janice Marinelli-Mazza, director of sales, Western division. Buena Vista Television, Burbank, Calif., named VP and Western regional manager.

Philip Press, VP and general manager, national spot sales. CBS, New York, named VP and general manager, sales and marketing.

James McCauley, VP of marketing, Donnelly Information Technology, New York, joins United Media there as VP, corporate

marketing.

Susan Ginsberg, associate circulation director, Murdoch Magazines, New York, joins Showtime Networks there as director, direct marketing. **Cathryn K. Green**, manager, marketing strategy, Showtime, named director, marketing planning and support.

Carter Maguire III, director of sales and marketing, Central region, Request Television. Atlanta, joins Turner cable network sales there as VP, account executive. **Steve Eagleton**, sales agent, Feinburg Real Estate, St. Louis, joins Turner cable network sales as account executive, Central region.

Appointments in sales department. Financial News Network. New York: **Ian Mahoney**, senior account executive, Midwest region, Chicago, to director of Midwest sales; **Lesley Gallo**, manager, international sales, NBC, New York, to manager, local ad sales; **Gig Barton**, executive VP of affiliate relations, Business News Broadcasting, New York and Boston, to account executive, national sales.

Janet Emmelman-Zablah, account executive, Petry Television, San Francisco, joins Caballero Spanish Media there as sales manager.

Walter DeHaven, local sales manager.

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Marketing

Appointments at MTV Networks, New

WTFX-TV Philadelphia, succeeds Michael Conway (see item above in "Media") as general sales manager.

Mason Ingalls, sales manager, WNCX(FM) Cleveland, named general sales manager.

Michael Graham, account executive, WNCX, named retail sales manager.

Jack Dabbah, sales manager, WXON(TV) Detroit, succeeds Mike Berman (see item above in "Media") as general sales manager. **Sandee Henry**, direct sales manager, WXON, named sales development manager.

Jon Rasmussen, traffic assistant, KING-TV Seattle, joins KHNL(TV) Honolulu as communications coordinator in marketing department.

Programing



Berman



Unkel

Joel Berman, senior VP, sales and marketing, GTG Marketing, Los Angeles, joins Paramount Pictures Television, Hollywood, as VP, off-network, features and cable sales

Robert Unkel, executive VP, Saban Productions, Los Angeles, joins 20th Century Fox Television, Los Angeles, as VP, programing, domestic syndication.

Andrew P. Brilliant, senior VP, international and legal affairs, ESPN, New York, named senior VP and general manager, ESPN International. **Ed Durso**, executive VP, Office of Commissioner of Major League Baseball, New York, joins ESPN there as senior VP and general counsel.

Herb Scannell, director of programing, Nickelodeon/Nick at Nite, New York, to VP.

David P. Himelfarb, director, comedy development, Warner Bros. Television, Burbank, Calif., joins Witt/Thomas Productions, Los Angeles as VP, development.

FNN's business. Michael Wheeler has been named president of Financial News Network Inc., New York, and executive vice president of newly formed Media Networks Group (which includes FNN) at parent company Infotechnology Inc. Wheeler had previously been executive vice president and general manager of *FNN:Business*. He succeeds David L. Meister, who will continue to be executive vice president of Infotechnology with new responsibilities for strategic planning.

James M. Kennedy, associate, Gibson, Dunn & Crutcher, Century City, Calif., joins World International Network, Beverly Hills, Calif., as VP, Legal and business affairs. **Saul Zamost**, assistant controller, MGM/UA, Culver City, Calif., joins World International Network as financial controller.

Heidi Palarz, producer-editor, National Basketball Association, New York, joins SportsChannel, Los Angeles, as programing manager. **Paula Rosado**, producer-writer-reporter and salesperson, NWS Productions, Los Angeles, joins SportsChannel there as affiliate relations manager.

Appointments at Financial News Network, New York: **Jack Wirth**, news writer, to news producer, *Business Tonight*, Los Angeles; **Robert Halper**, director, weekend news, WCBS-TV New York, to senior director, *FNN:Focus* and *FNN MoneyTalk*, New York; **Jennifer Bauman**, market update anchor, Money Radio Network, Anaheim, Calif., to news writer, market hours programs, Los Angeles.

Appointments at Transtar Radio Network, Colorado Springs: **Dennis W. Lamme**, general sales manager, KDHT(FM) Denver, to director of major market affiliations; **Gene Ferry**, Southeast regional manager, Drake Chenault Enterprises, Denver, to Southeast regional manager; **Patrick K. Crocker**, independent consultant, Crocker Company, St. Louis-based broadcast promotion and marketing firm, to regional manager, Gulf states.

Diane L. Sass, VP of research and marketing, Fox television stations, New York, joins Multimedia Entertainment there as VP of marketing services.

Christopher Gorman, director of casting, CBS Entertainment, Los Angeles, named

senior director of casting.

Lonnie Burstein, associate program director, Seltel, New York, joins WTXF-TV Philadelphia as program manager.

Michael Ward, assistant program director, WAXY(FM) Fort Lauderdale, Fla., named program director.

Dave Douglas, research director, KISW(FM) Seattle, named assistant program director.

Connie Cole, air personality, KZOK(FM) Seattle, joins KISW as part-time air personality.

Garland Ganter, news and public affairs director, KPFT(FM) Houston, named program director. **Barbara Entman**, development director, KPFT, named director of training and special projects.

Doug Cretsinger, director, 6 p.m. and 10 p.m. news, named production manager.

News and Public Affairs

Appointments at ABC News: **Dorrance Smith**, executive in charge of long form programing, New York, named executive producer, *Nightline*. Smith succeeds **Richard N. Kaplan**, who was named executive producer, *Prime Time Live*; **George Paul**, director, *Today*, NBC News, New York, joins ABC as director there.

Bob Henry, director of special news projects, LIN Broadcasting, New York, and VP-news director, WOTV(TV) Grand Rapids, Mich., joins KHJ-TV Los Angeles as VP, news.

Andrea Roane, anchor-reporter, WUSA(TV)



Buchanan and Roane

Washington, and **Mike Buchanan**, reporter, WUSA, named co-anchors of WUSA's new 4 p.m. newscast.

Appointments at UPI radio network, Washington: **David Oziel**, editor, to news director; **Kate Murphy**, editor-correspondent, to business editor; **Jo Ann Scott-Woods**, executive assistant, to operations manager; **Ken Robinson**, senior editor, to producer, *UPI Roundtable*; **Dennis Daily**, air personality, WMMJ(FM) Bethesda, Md. (Washington), to anchor-editor; **Andy Pollin**, sportscaster, WFAN(AM) New York, to news-sports correspondent there; **Shirley Smith**, anchor-correspondent, Mutual Broadcasting System, Arlington, Va., to anchor; **Donna McQuillan**, sportscaster, WIP(AM) Philadelphia, to sports anchor; **Doug Levy**, manager, *Health Newsfeed*, Johns Hopkins University, Baltimore, to editor-medical correspondent; **James Minichello**, reporter-anchor, WILM(AM) Wilmington, Del., to editor.

Rob Sidney, news anchor, WAXY(TV) Fort

Best of Montana. Fifteen Montana broadcasters were awarded cash prizes of \$1,000 each in recognition of excellence in broadcasting by the Greater Montana Foundation/Montana Broadcasters Association. Winners include: television broadcaster (large market), Jo May Barker, KTGF(TV) Great Falls; television broadcaster (small market), Ian Marquand, KTVH(TV) Helena; radio broadcaster (large market), Dave France, KZOO(FM) Missoula; radio broadcaster (small market), Don Davis, KLYO(AM)-KBMG(FM) Hamilton; television news enterprise (large market), news staff, KTVQ(TV) Billings; television news enterprise (small market), Ian Marquand, KTVH; television program (large market), Mark Ivanish, KECI-TV Missoula; television program (small market), Ian Marquand, KTVH; television copywriter, Ron DeYoung, KTVQ; radio news enterprise (large market), Mark Armstrong, KOFI(AM) Kalispell; radio news enterprise (small market), North Montana Broadcasters, KOJM(AM)-KPOX(FM) Havre; radio program (large market), Lynne Turner-Fitzgerald, KZLS(FM) Billings; radio program (small market), Anne James, KSEN(AM) Shelby; radio copywriter, Michelle Elmore, KEIN(AM)-KLFM(FM) Great Falls; noncommercial program, Dawn Snodgrass, KUSM(TV) Bozeman.

Lauderdale, Fla., adds duties of news director.

Dave Brannen, anchor-editor, WTOD(AM)-WKKO(FM) Toledo, Ohio, joins WURL(AM)-WSWT(FM) Peoria, Ill., as news director.

Kristi Pedelty, anchor-producer and general assignment reporter, KLFY-TV Lafayette, La., joins KESQ-TV Palm Springs, Calif., as anchor-producer.

Nancy McKenzie, executive producer, WSOC-TV Charlotte, N.C., joins WDSU-TV New Orleans in same capacity. **Sharon Loup**, satellite coordinator, NBC, New York, joins WDSU-TV as assignment editor.

Thomas M. Pohs, 6 p.m. news producer, WAND(TV) Decatur, Ill., named executive news producer. **Bryan Marshall**, news photographer, WAND, named assignment editor.

Nan Walicki, evening editor, WILM(AM) Wilmington, Del., named managing editor.

Tina Morrill, VP of operations and promotions, Anne Bruce Inc., Sacramento, Calif., joins KOVR-TV Stockton, Calif., as community development director.

Karla Heath, coordinator, Bibb county public schools volunteer program, Macon, Ga., joins WMAZ-TV there as community relations director.

Al Wallace, sports producer, anchor and reporter, WDAF-TV Kansas City, Mo., joins KXAS-TV Fort Worth, as executive sports producer.

Kelly Liberti, associate producer, noncommercial WOUB-WOUC-TV Athens, Ohio, joins WOWK-TV Huntington, W. Va., as producer.

Chris Gallagher, reporter, KSNT(TV) Topeka, Kan., adds duties of 6 p.m. and 10 p.m. co-anchor.

Brenda Braxton, 5 p.m. anchor and health reporter, WAFB(TV) Baton Rouge, and **Jim Finnerty**, co-anchor, WSYX(TV) Columbus, Ohio, named co-anchors, 6 a.m. and noon newscasts, KGW-TV Portland, Ore.

Kathleen Leighton, co-anchor, WOWT(TV) Omaha, joins WKBW-TV Buffalo, N.Y., as reporter and co-anchor.

Gary Nunn, newscast anchor, NBC radio network, New York, named radio anchor and reporter.

LeAnn Petty, production director, WYMG(FM) Jacksonville (Springfield), Ill., joins The MissouriNet, Jefferson City-based radio news network, as anchor-reporter.

Gerti Willmer, news director, noncommercial WYIN(TV) Gary, Ind., joins Florida Public Television, Tallahassee, as reporter/producer.

Scott Baker, reporter-weekend anchor, WSEE(TV) Erie, Pa., joins WNEM-TV Bay City (Flint-Saginaw), Mich., in same capacity.

Jon Kelley, reporter, KMTV(TV) Omaha, joins WDAF-TV Kansas City, Mo., as weekend sports anchor and reporter.

Dane Placko, reporter-anchor, WHO-TV Des Moines, joins WISN-TV Milwaukee as general assignment reporter.

Christopher Heinbaugh, news writer,

KNX(AM) Los Angeles, joins KDOC-TV Anaheim, Calif., as general assignment reporter.

Mary Maguire, general assignment reporter, WJAR(TV) Providence, R.I., named consumer reporter; **Kurt Mack**, Leo Beranek Fellow, WCVB-TV Boston, succeeds Maguire.

Kim Keelor, anchor-reporter, KPLC-TV Lake Charles, La., joins WTVT(TV) Tampa, Fla., as general assignment reporter.

Carol Luper, reporter, WBNS-TV Columbus, Ohio, joins WSYX(TV) there in same capacity.

Chris Douglas, reporter, WTVX(TV) Fort Pierce, Fla., joins WPEC(TV) West Palm Beach, Fla., in same capacity.

Technology



Dages

Charles L. Dages, VP, television engineering, engineering and development department, CBS, New York, named VP, television operations, CBS East Coast operations and administration.

Leon F. Brown, director, television engineering, Great American Broadcasting, Cincinnati, named VP.

Jay Fine, director, quality control, NBC News, New York, named managing director, news production and technical services.

Peter Brickman, VP in charge of production, Lifetime, New York, joins Reiss Media Enterprises there as VP, production, operations and engineering.

Ray Kowalinski, chief engineer, Cablevision of Connecticut, Norwalk, named director of engineering for Bridgeport and Fairfield Connecticut systems.

Gary Beebe, field engineer, Teledyne-Inet, Salt Lake City, joins KRSP-AM-FM there as chief engineer and corporate engineer of parent company, Carlson Communications.

John Margardo, field service engineer, FOR-A, Newton, Mass.-based video and audio broadcast and post-production equipment marketer, named Northeastern regional manager.

Promotion and PR

Robert K. Doerr, director of corporate communications for Scripps Howard, Cincinnati retires. **Rich Boehne**, manager of corporate communications, succeeds Doerr.

Gerri Warren, director of corporate communications, Paragon Cable Manhattan, New York, named VP.

Sheila D. Jamison, account executive, Ogilvy & Mather Public Relations, New York, joins WWOR-TV Secaucus, N.J. (New York), as publicist.

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Rappoport

Phil Rappaport, promotion director, WQCD(FM) New York, joins WNYW(TV) there as promotion manager.

Joyce Kravitz, director of news information, ABC News, Washington joins WJLA-TV Washington, as director of public relations.

Mary Beth Callahan, manager, corporate marketing, Playboy Video Entertainment Group, Los Angeles, joins SportsChannel there as manager, marketing and public relations.

Wendy Chamberlain, director of promotion and public information, noncommercial WXEL-FM-TV West Palm Beach, Fla., named VP of corporate communication.

Paul Gaulke, interim promotion writer-producer, KARE-TV Minneapolis, joins KCRG-AM-TV Cedar Rapids, Iowa, as promotion writer-producer.

Sharon Mueksch, news promotion writer, KCCI-TV Des Moines, Iowa, named on-air promotion manager.

Allied Fields



Spiegel

Harvey Spiegel, senior VP, research and marketing, Television Bureau of Advertising, New York, forms Harvey Spiegel & Associates, New York-based consulting company.

Kell B. Benson, VP and controller, Zenith Electronics Corp., Glenview, Ill., named

VP, finance, and chief financial officer.

John J. Lane, news director, WNBC-TV New York, joins Executive Television Workshop Inc., New York-based international media training firm, as associate.

David La France, associate broker, Chapman Associates, Walnut Creek, Calif., forms La France Media, San Francisco-based station brokerage, media and cable sales consulting firm.

Larry Matthews, senior partner, Logan/Stephan/Matthews, Tyler, Tex.-based broad-

In memory of...A scholarship fund has been established in memory of Rebecca Schaeffer, the actress killed July 18. Those wishing to contribute to the fund may send donations to: The Rebecca Schaeffer Memorial Scholarship in Acting, UCLA College of Fine Arts, A265 Murphy Hall, 405 Hilgard Avenue, Los Angeles, CA 90024, Attn: Rosalie Sass. Those wishing to contribute to handgun control may contact: Handgun Control Inc., Washington.

cast consulting firm, forms Matthews & Company, Dallas-based promotion, sales development and marketing firm. **Mark Stephan**, senior partner, Logan/Stephan/Matthews, joins Matthews & Co. as VP, client relations.

Al Hammond, associate general counsel, MCI, Washington, joins New York Law School, Communication Media Center, as associate director and associate professor of law.

Morton I. Hamburg, president JAG Communications, New York, joins Proskauer Rose Goetz & Mendelsohn, New York law firm, as special counsel practicing communications and corporate law.

Appointments at Comm/Scope Inc., Hickory, N.C.-based cable equipment supplier: **Tony Finger**, district sales manager, Columbus, Ohio, to regional sales manager; **Pat Skerry**, plant operations manager, Lake County Cablevision, Leesburg, Fla., to district sales manager, Orlando; **Dave Laurvick**, agency owner, Xerox, Aberdeen, S.D., to district sales manager, Nashville; **Dan Lewis**, marketing manager, Continental Cablevision of Ohio, Fairborn, to district sales manager; **Karen Tynan**, customer service manager, Magnavox, Syracuse, N.Y., to district sales manager; **Theresa Whitfield**, marketing manager, District Cablevision, Washington, to district sales manager; **Jim Oldham**, district sales manager, Atlanta, to regional sales manager, Las Vegas; **Stan VonFeldt**, district sales manager, Denver, to regional sales manager; **Caroline Robbins**, customer service manager, Hickory, to district sales manager.

Richard S. Leghorn, president and founder, Eidak Corp., Cambridge, Mass., awarded Pioneer award by New England Cable Television Association, Braintree, Mass.

Elected members, Southern California Cable Television Marketing Council, Los Angeles: **William Hoagland**, divisional director of marketing and programming, United Cable

of Los Angeles, Van Nuys, to chairman; **Joe Lawson**, VP, marketing, Comcast Cablevision, Santa Ana, to treasurer; **Peter Rubin**, VP, marketing, KBLCOM/Paragon, Garden Grove, to operator-director; **Susan Johnson**, VP, marketing, Simmons Cable, Long Beach, to operator-director.

Deaths



Chapin

Donald L. Chapin, 70, former television executive, died of heart attack on July 23 at his home in Key Largo, Fla. His broadcasting career began in late 1940's when he joined WLOK(AM) Lima, Ohio, as announcer and salesman. In 1948 he moved to WLWT(TV) Cincinnati as sales manager. He joined WKRC-TV there as sales manager in 1950, becoming general manager two years later. In 1954, he was named director of national sales for Tri-State Network, representing national sales for WKRC-TV, WHIO-TV Dayton, Ohio, and WTVN(TV) Columbus, Ohio. In 1966 he was chairman of board of Television Bureau of Advertising, New York. In 1968, he was named vice president in charge of sales for Taft Broadcasting Co., Cincinnati, a position he held until his retirement in 1984. Chapin served on steering committee of Operation Prime Time (OPT), program consortium established in 1977 by television group owners (Taft, Tribune, TeleRep, Chris-Craft, Gaylord and Cox) to develop, produce and distribute prime time series and specials. OPT completed 28 projects; most successful was *Solid Gold*, on air from 1980 to 1988. He was also on steering committee of *Entertainment Tonight*. He is survived by his wife, Joni, one daughter, Lauren, and one son, Stephen.



Tiedemann

John H. Tiedemann, 55, senior vice president and general sales manager, ABC, New York, died Aug. 2, at South Naussau Community Hospital, Long Island, following cancer surgery. Tiedemann spent his 30-year career with ABC, joining them in 1959 as rating services clerk in research department. He spent four years in research department, serving in variety of positions. In 1963 he moved to network sales division, where from 1970 to 1975 he was assistant daytime sales manager. In 1975 he was named director of daytime sales and two years later, vice president. He became head of daytime sales in 1978, vice president, national sales manager, in 1984 and senior vice president, national sales manager, in 1986. He was promoted to his most recent position in October 1986. He is survived by his wife, Joan, one daughter, Cathy, and one son, John Jr.

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Stephen Petrucci: commander of the fleet

Start with the television set he built from a kit. The year was 1948. Steve Petrucci was 15 years old and already an avid builder, and operator, of radios. Fast forward a few years and he is being awarded a scholarship to study communications at Rensselaer Polytechnic Institute. The curriculum includes a handful of "humanities" courses—bearable distractions from calculus and transmission and radio theory.

"I knew I wanted to be an electrical engineer, even though I didn't really know what that was, by the time I entered high school," says Stephen J. Petrucci, now president of Hughes Communications, operator of a fleet of satellites that will carry major cable and broadcast television signals into the 21st century. The era of his youth helped dictate that his obsession be with things electrical. But a love for the common sense of a schematic drawing, for the challenge of arranging the right pieces "to build the right solution to the problem at hand," has circumscribed his approach to his life and work.

"To be trained as an engineer simply means to be trained to analyze a situation and try to figure out what might happen." His wife reminds him "often" that he has "this particular attribute and that sometimes it isn't appreciated," he says, laughing. "When you buy a new car, maybe you should consider what color it is and not worry about all those specifications."

Although there is a sense of inevitability about his professional life, predicting its specifics and colors would have proved difficult. From the private basement workshop of his parents' Hamden, Conn., home to Hughes's executive offices in El Segundo, Calif.—from a young man's fascination with the workings of a single machine to his contributions to designing, marketing and operating an international fleet of telecommunications satellites—Steve Petrucci's journey can be measured outward through ever larger spheres.

College had taught him "how to study and how to think." But "in the real world, you start from scratch," he says, extolling "the fundamental concept of common sense. The connection between the theory that you learn in school and what you actually go into doesn't always play exactly, and I think that's true in most cases. I had the benefit of working for supervisors who just had a great deal of common sense," he recalls, starting with his bosses at Sylvania Electronic Systems in Boston, where he began what would become a long-time connection with military customers, in this case designing electronic systems for the U.S. Air Force's B-52 bomber. Those systems were "still vacuum tubes along with a few brand new silicon transistors," he says,



STEPHEN JOSEPH PETRUCCI—president and chief executive officer, Hughes Communications Inc., El Segundo, Calif.; b. Dec. 24, 1933, Hamden, Conn.; BS, Electrical Engineering, Rensselaer Polytechnic Institute, Troy, N.Y., 1955; MS, Engineering, University of California, Los Angeles, 1967; electrical design engineer, Sylvania/GTE Government Systems, Boston, 1955-61; system engineer, Hughes Aircraft Space Division, El Segundo, 1961-69; vice president, Interspace Communications, Los Angeles, 1969-71; program manager, weather satellites, advanced systems division, Hughes Space & Communications Group, 1971-78; division manager, Hughes Space & Communications Group, 1978-83; executive vice president, Hughes Communications, 1983-87; present position since November 1987; m. Mary Scida, now deceased, 1954-65; Sue Philips, July 22, 1967; children—Lynn, 35; Kathy, 33; Jill, 31; Carrie, 30; Greg, 19.

somewhat wistfully recalling talk then of "a little company called Texas Instruments" in which some coworkers wanted to invest.

Among those who passed on that chance, Petrucci would find such market analysis taking up an increasing share of his career. But for the time being he relied on the common sense and good will of Sylvania executives who helped him find a job with Hughes Aircraft, rather than attempt to hold back the then 28-year-old engineer who had decided to move to the West Coast. Sylvania had been working with Hughes on Telstar, one of the first satellites of any kind. Hughes space projects, then as now, were diverse and included the Surveyor moon mission spacecraft and, Petrucci's first task, designing missile guidance systems.

From there, he worked on the original manned orbiting laboratory, a project now long dormant, and another program that eventually became the NASA shuttle. From rockets and exploration spacecraft he moved on to satellites, working on what

was then the largest communications bird ever, TacSat, for the Air Force.

In 1979, he left Hughes to join a startup company that built satellite ground stations. Perhaps too much ahead of its time, Interspace Communications lasted only a year and a half, as FCC wheels turned slowly in creating policies that would lead to the launch of dozens of satellites in the early 1980's. But Petrucci returned to Hughes, now a businessman and manager as well as an engineer. Through the 1970's and early 1980's, he headed up such programs as a weather satellite contract with the U.S. government that survives today. A weather satellite contract with Japan followed, exposing him to big-time negotiating and contract fulfillment.

And then, as vice president to then Hughes President Clay (Tom) Whitehead, he witnessed at close range the invention in the early 1980's of the real estate model for marketing satellite capacity (selling space on the strength of an anchor service like HBO), a method that gained Hughes the leading position in delivering cable TV that has lasted through today.

Quick to admit he was too late to invest in Texas Instruments and too early in selling California real estate, Petrucci is fully conscious that, with Hughes, he has certainly been in the right places at the right times. The company has expanded from a staff of 80 to 800 in this decade, but remains lean and flexible enough to respond to a market that has "no ground rules." "My job is to build a good team. Numbers of people are not so important as the right people. I trust my team."

A player who has played all the positions, Petrucci has for the past two years coached Hughes through several big yet measured moves that have strengthened its hand. From his experience with Whitehead, Petrucci knew the value of acquiring three Western Union satellites last year. Indirectly, it was also a purchase of orbital spectrum for next-generation satellites and it allowed Hughes to woo and win last winter the future business of CBS. Petrucci had also advocated HCI's purchase of satellite ground equipment manufacturer MayComm (now Hughes Network Systems) in 1987. HCI's pending purchase of three IBM birds will create a perfect marriage between the resulting HNS and HCI, the source of satellite capacity for HNS's corporate customers.

Today, he claims that his patience for the meticulous and solitary work of assembly is mostly gone, his current Huntington Beach, Calif., home workshop mostly unused and his love for group effort too strong. It is not hard to imagine that nowadays, as he enjoys a Los Angeles Lakers game (he is a fan), the engineer's mind is keen on analyzing the circuitry of a fast break, fascinated by the fit of its parts as well as the flight of the ball.

Lex Felker, Mass Media Bureau chief for most of Dennis Patrick's chairmanship, told reporters at post-meeting press conference last week that he was **leaving commission**. He said he did not have new job lined up, and thus would probably stay through September. Whether he will stay on as bureau chief will depend on Patrick's successor, Alfred Sikes, who was awaiting Senate confirmation at press time.

Ralph Nader joined several other citizen groups at Washington press conference in **awarding outgoing FCC Chairman Dennis Patrick "first ever Tin Toaster Award"** for litany of actions that Nader and groups found to be betrayal of Patrick's oath to uphold public interest. Name of award recalls speech by Patrick predecessor Mark Fowler, in which he called television "toaster with picture." Nader said Fowler-Patrick years were "infamous era of unbridled deregulation that has left a telecommunications legacy of unparalleled concentration of power." Patrick did not show to receive award and aide refused to accept it when it was delivered to his office later in day. Declaring "turnabout is fair play," Patrick issued statement later awarding Nader "National Nanny Award." "Well, Ralph, the American people don't need you or government to protect them from themselves," he said. "Within a framework of fair and open competition, what the American people need, and deserve, is freedom."

Nominations for 41st annual prime time Emmy Awards were announced last Thursday, with **NBC most heavily nominated with 103**. CBS finished second with 95 nominations, powered by *Lonesome Dove's* 18 nominations, most for single program. ABC received 85 nominations. In addition to *Dove* nomination for outstanding mini-series, both Robert Duvall and Tommy Lee Jones corralled nominations for outstanding lead actor in mini-series or special. NBC's *L.A. Law* was second with 17 nominations, followed by ABC's *War and Remembrance* with 15. PBS programming received 32 nominations, and Fox Broadcasting programming received 12. Cable, now in its second year of eligibility, captured 16 nominations, with HBO getting half of those. First-year service Turner Network Television was nominated once, for outstanding sound mixing for *Margaret Bourke-White*. Syndicated programming received 21 nominations, with *A Current Affair* and *Entertainment Tonight* up for outstanding informa-

Former Orion head to produce for company

Richard M. Rosenbloom, formerly president and chief operating officer of Orion Television Entertainment, has entered into an exclusive agreement with the company to develop and produce his own properties, in addition to functioning as producer on certain projects currently in development at Orion.

Gary Nardino, chairman and chief executive officer of Orion Television Entertainment, said Rosenbloom, whose contract expired at the end of June, was not forced out of his position. Nardino said that Rosenbloom is "in his 60's" and was looking for a way "to segue back into the creative environment." Rosenbloom was unavailable for comment.

"The position is not being filled," Nardino said. "We [Nardino and Irwin Moss, senior vice president, business affairs] are going to pretty much assume Rosenbloom's past administrative duties. We've restructured somewhat since Irwin joined us July 17. Richard's new contract is an on-going, open-ended deal. We are now pushing projects that writers have been working on as producers to Richard's hands. They have not had the benefit...of the 30 years of experience he has producing hour-long dramas." Nardino said that a number of dramas and movie of the week projects are being developed for the 1990-91 season.

tional series. Fox television received 12 nominations.

E.W. Scripps Co., Cincinnati-based MSO, has agreed in principle to buy for about \$100 million nine cable systems with about 40,000 basic subscribers in Knoxville and eastern Tennessee area. Systems are part of the group that Intermedia Partners agreed to acquire from Jack Kent Cooke (BROADCASTING, July 17). E.W. Scripps Co. is headed by Lawrence A. Leser, president/CEO. Scripps has systems in 10 states serving 540,000 basic subscribers. It also owns five radio and nine TV stations and 19 daily newspapers.

Decision is expected this week on choice of rep for TVX Broadcast Group. Now represented by Seltel, seven-station independent TV group heard presentations last month from Blair, Petry and Katz. Majority of independent group is owned by Salomon Brothers, but Paramount Communications has options on Salomon's holdings. Source said TVX business was worth \$85 million in commissionable billings annually.

Federal Trade Commission 1990-92 reauthorization bill was passed by Senate Commerce Committee last week. It included provision "precluding the FTC from initiating any new rulemaking proceeding prohibiting or otherwise regulating any commercial advertising on the basis that such advertising is an unfair act or practice." Authored by Congressman Richard Bryan (D-Nev.), bill adopts administration authorizations of \$69,580,000 in 1990, \$72,780,000 in 1991 and \$76,128,000 in 1992. Committee also approved nominations of Janet Stieger to replace Daniel Oliver as chairman and of Deborah Owen to replace commissioner Margot Machol. Both reauthorization and nominations were ready for Senate floor vote Aug. 4.

Raycom Sports last week filed lawsuit in District Court, Harris County, Tex., charging Southwest Conference college athletic association with breach of television rights contract and charging SportsChannel America owners NBC and Cablevision Systems with "predatory trade practices, unfair competition and intentional interference" in connection with Raycom-SportsChannel battle for new conference football and basketball contract. Case apparently hinges on amendment to current Raycom-SWC contract that shortened end of rights from 1991 to 1990 in exchange for Raycom gaining exclusive right to match competing offer for future rights, *Dallas Times Herald* reported. Raycom claims it matched seven-year, \$29.5 million SportsChannel bid by joining forces with Dallas-based regional cable channel Home Sports Entertainment and that SWC subsequently resumed talks with SportsChannel, which declined comment. In Dallas for kickoff of current season, Raycom executives could not be reached.

Fox Broadcasting Co. and Allen Funt Productions have reached agreement in principle for settlement of Funt's pending lawsuit against Fox's new series *Totally Hidden Video*, confirmed Funt and his attorney Arthur Barens. As part of settlement, Fox will "install" safeguards and show producer Quantum Media will have production of *Hidden Video* segments monitored by "someone from...standards and practices to ensure authenticity" of program, according to Barens. Fox officials were unavailable for comment. Controversy broke when Funt charged *Hidden Video* deliberately staged sequences using paid actors and that program was copying vignettes he produced for his *Candid Camera* series (BROADCASTING, July 10, 17). Fox had found improprieties in *Hidden Video* and ran second episode instead of debut episode for initial July 9 broadcast. Quantum subsequently fired producer Larry Hovis, claiming he was responsible for tainted sequences.

Stock in the Walt Disney Co. was up 13% over four days last week, closing at \$121 Thursday (Aug. 3). Disney stock has risen from July 24 price of \$101.625, fueled by takeover speculation following Paramount Communications' failed attempt to acquire Time. Last week, two Disney shareholders filed suit seeking to force Disney to "take all appropriate steps...to create an active auction for Disney" and to cooperate with anyone proposing transaction that would enhance shareholder value. Suit came in response to shareholder rights plan company adopted in June to help fend off takeovers. Analysts have said that takeover bid for Disney from Paramount is unlikely. On July 31, it was disclosed that group led by Fort Worth investor Sid Bass had gained control over additional 3% of Disney stock—bringing holdings to 18.6%—through change in trustee for Bass family trust. In other news, Disney said last Wednesday that Disney-MGM Studios Florida theme park, doing heavy business, would be expanded ahead of schedule. Disney stock was trading at \$117 Friday afternoon, down \$4.

□

Four members of House of Representatives—Ed Madigan (R-Ill.), Tom Tauke (R-Iowa), Mike Oxley (R-Ohio) and Dennis Eckart (D-Ohio)—have written letter to House Telecommunications Subcommittee Chairman Ed Markey concerning movement of sports from over-the-air TV to cable. Group pointed to ESPN's deal for Big 10 conference college football as indicative of "disturbing trends." Congressmen asked Markey to hold hearing on matter and to look at ESPN-Big 10 deal in detail.

□

Arbitron has released data on top 10 food and beverage advertisers for 1988 in four categories. In total broadcast spending, **Philip Morris topped list** at \$643.3 million, followed by Kellogg at \$378.4 million and Anheuser-Busch with \$332.4 million. In spot category, Philip Morris led again, with \$147.7 million, or 23% of broadcast spending. General Mills was second, with \$131.6 million (51% of total spending), and Pepsico third, with \$103.6 million (60% of total spending). In syndication category, Kellogg topped list with \$23.4 million (6% of spending), Nestle at \$22.5 million (18%) and Mars at \$21.1 million (20%). In cable—across six networks (CBN Family, CNN, ESPN, MTV, Superstation TBS and USA)—General Mills was first with \$19.6 million (7.5% of spending), Philip Morris was second with \$15.1 million (2.4%) and RJR Nabisco was third with \$13.6 million (6.2%).

□

Prime Network is launching new regional sports network in Indiana and surrounding areas this fall—Prime Sports Network-Midwest—which will be owned by Prime and cable operators American Television & Communications, Comcast and Tele-Communications Inc. Network has deal for 25 home games of Indiana Pacers, as part of four-year deal that will expand to 31 games in ensuing years. Basic cable service is geared toward 3.2 million cable homes in Indiana, Ohio, Illinois, Kentucky and Missouri. Pacers said deal does not affect away games now televised by broadcast stations. Network intends to add other pro and college events.

□

EZ Communications Inc., Fairfax, Va.-based group owner of four AM's and 10 FM's, is looking to sell **WAIV(AM)-WOKV(FM) Jacksonville, Fla., WZB(FM) New Orleans and WMXC(FM) Charlotte, N.C.** EZ said it wants to concentrate on top 25 markets. Company will sell stations through private auction conducted by PaineWebber Inc., which hopes to sell them for more than \$40 million.

□

USA Network on Aug. 4 made official its purchase of three transponders on next-generation Hughes Communications satellites. Galaxy V, to be launched in late 1991, will carry



Then there were two. Keystone Communications is born, Aug. 1, 1989. Meeting to sign contracts to merge Wold Communications and Bonneville Satellite Communications into a new company are (l-r) Keystone Vice Chairman David Connell, formerly president of Wold; Keystone Chairman David Simmons, still owner of Bonneville parent, Simmons Satellite, and Keystone President Bruce Hough, formerly president of Bonneville, which will control two-thirds of Keystone (Wold the other third). Together, the two private companies own seven transponders on three satellites, have bulk purchase agreements with every major carrier, and own and operate uplinking, production and microwave facilities in New York, Washington, Los Angeles, San Diego and at Keystone headquarters in Salt Lake City.

Following IDB Communications' acquisition of Hughes Television Network (HTN) by seven months, the merger marks the end of an era when the field of major resellers had been peopled by Wold, Bonneville, HTN, IDB and Netcom, the last of which filed for bankruptcy in early 1987. This latest consolidation, said Hough, "says that in our whole industry, now 15 years old, there is a cycle. We went through the entrepreneurial stage on the seat of our pants." But in the 1990's, he said, "if we are going to survive, it can no longer be on a transponder and a prayer." Wold founder Robert N. Wold, who remains chairman emeritus of Keystone, "was the pioneer," said Hough, "and Wold, Bonneville and HTN were the original big three. But it wasn't really appropriate to retain either the Wold or Bonneville names," he added. "Keystone is a truly new company."

feed to eastern half of nation, and Galaxy IR, to be launched in late 1993, will carry western feed. At unconfirmed cost of \$10 million per transponder, deal is worth approximately \$30 million, and buy of third transponder (on Galaxy V) constitutes dollar commitment to what USA described as future expansion of programming.

□

GE Americom last week finalized multilayered contract for next-generation satellite capacity with Viacom Networks, C-SPAN, The Weather Channel and Lifetime, two days after Aug. 2 FCC action officially authorizing GE to build and launch replacements for current fleet. Americom said group officially purchased 16 transponders—although total had earlier been put at 20—for estimated \$140 million on Satcoms C-3 and C-4, now authorized for launch in 1991. Agreement in principle was reached last February, but diverse ownership of various programmers required separate negotiations. Commission also authorized launch of already built spare, Satcom C-1.

Editorials

Congressional coup

This country is no more being overrun by indecency or obscenity on television and radio than it's being invaded by Martians—although those who believe the former may profess the latter as well. This page will not now try to dissuade them of either fantasy.

But a grave concern *was* evident during last week's confirmation hearings of three FCC nominees: a resurgent Congress's attempt to usurp the judgment and discretion of an independent agency, and—worse—its attempt to turn the FCC into a Federal Censorship Commission.

It may have succeeded. By the end of the hearing, senators had cudged the three nominees into making such statements as Sherrie Marshall's "I am not sure what the commission's authority is in terms of censorship per se, but I would like to see us get that authority." Ms. Marshall may not have to ask twice: this Congress is only too ready to oblige.

Ernest Hollings, the distinguished South Carolinian who presided over last Monday's hazing, demonstrated that the tyranny of office need not be accompanied by any particular expertise in the subject matter (a predilection shared by his entire committee on some subjects; see editorial below). He repeatedly confused obscenity and indecency, gratuitously insulted the earnest and able FCC that the new nominees would succeed, insisted they distance themselves from deregulatory policies and confused Bill Paley with David Sarnoff and the Titanic with the Lusitania. Then he asked for a pledge of allegiance:

"Do you think you are there to carry out your policy or the policy of the Congress?"

He got in reply:

From Chairman-designate Sikes: "I think I am there to carry out the policy of the Congress."

From Andrew Barrett: "I would think as long as the Congress policy is what I perceive to be in the public interest, I certainly would agree with Mr. Sikes."

Hollings, not satisfied with less than total fealty, pursued his point further: "Well now, wait a minute. I might think a law or policy might be not in the public interest, but you just busted your breeches, man. You cannot come along with that answer. We cannot have an individual measure of the public policy."

Barrett, getting the drift, replied: "I would think that any piece of legislation that comes out of either House here, Senator, would be in the public interest, and if that is the answer you are seeking my answer is yes, I would support that."

Marshall, who didn't need prompting: "I agree you make the policy and we implement it."

This is not the first Congress to use the confirmation process as a club to work its will on public policy, nor will it be the last. But if the FCC cannot proceed without advice and consent of the Congress, good public policy would have Congress heeding the advice (if not the consent) of this expert and independent agency. As for the FCC, we'd recommend Mr. Barrett's original admonition: keep the public, not Congress, paramount.

Off the mark

To some in the packed hearing room during last week's Senate Commerce Committee confirmation hearing on President George Bush's three FCC nominees, there was an air of unreality swirling around questions regarding the commission's efforts to curb indecent programming—or, as the senators would suggest, lack of effort. Committee chairman Ernest F. Hollings (D-S.C.)

and to an even greater degree Senator Albert Gore (D-S.C.) used the hearing as a forum for excoriating the record of the Fowler/Patrick commission on indecency. Hollings saw the "garbage" being aired a consequence of the deregulatory fever he said ran through the commission. Gore blamed it on what he said was the commission's view that the "market is supreme." But while there is no gainsaying the argument that the Fowler-Patrick commission pursued a vigorous deregulatory policy—some would say that was its glory—there was one area where it did not: Indecency.

In April 1987, the commission announced a tough new policy aimed at curbing indecency. The largely hands-off approach the commission had taken since the Supreme Court in 1978 affirmed the commission's authority to regulate indecency was a thing of the past. Letters went out to three radio stations saying they were in violation of the stricter guidelines the commission had just (surprise, surprise) adopted. Later, it fined KZKC-TV Kansas City, Mo., \$2,000 for its prime time broadcast of an "indecent" movie. Those actions may not have stopped the flow of what Hollings calls "garbage," although they probably slowed it. The actions certainly did not satisfy the fundamentalists, whose demands for a cleanup of the airwaves were at the root of the tougher position the commission had taken; it is likely that the Patrick commission lacked the desired fire in the belly. But there was one good reason the commission was not more effective: the courts.

Media and public interest groups took the commission and its new policy to court, and won a partial victory. The U.S. Court of Appeals in Washington directed the commission to provide the evidence to support its decision to reduce the safe harbor for indecent programming. (It was that decision that caused the commission to stay the order fining KZKC-TV. For latest development, see page 10.) The groups sued again after the commission, following a congressional mandate, adopted a new rule banning indecent programming on a 24-hour basis, wiping out *any* safe harbor. Considering the treatment the Supreme Court gave a similar rule regarding "dial-a-porn," that ban seems certain to be overturned. Indeed, the appeals court has stayed it.

So the record does not seem to support the charge of a do-nothing commission in the area of indecency. What it does show is that the new commission under Chairman Alfred Sikes will have to demonstrate considerable courage to resist pressures from Congress and the fundamentalists to ignore the oath each member takes to protect the Constitution and its safeguards of liberty. Perhaps with the courts helping to stiffen the commission's backbone, it will.

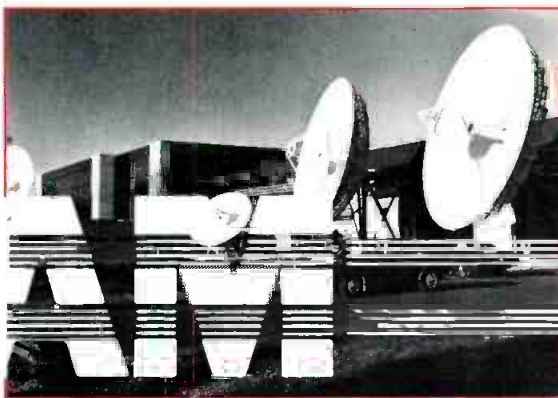


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