

WIRL-TV IN COURT TO SAVE CH. 8; FCC PROPOSES STILL MORE SHIFTS

FIRST vhf permittee whose channel is subject to a move to another community went to court last week—asking not only that the FCC decision be reversed, but that the court order an immediate stay against the FCC's implementation of February deintermixture actions [B•T, March 4].

WIRL-TV Peoria, Ill., which claimed it won the ch. 8 contest after four long years and the expenditure of \$50,000, filed an appeal in the U. S. Court of Appeals, Washington, against the Commission's Feb. 28 action moving ch. 8 from Peoria to the Davenport, Iowa-Rock Island-Moline, Ill., area. It also asked the court to stay the Commission's action pending outcome of the court litigation.

In further actions last week, the Commission instituted rule-making proceedings last Wednesday, which would add vhf channels in six cities and a uhf channel to one. Standing to lose v's are at least three U. S. cities, while Reading, Pa., faces the loss of one of its two u assignments. Interested parties were given until April 30 to file comments and 10 additional days for reply comments. Involved are the following cases:

- Assignment of ch. 12 to Lamar, Colo., (proposed by KLMR that city). Lamar presently is assigned ch. 18, for which there have been no takers.

- Assignment of ch. 10 to Presque Isle, Me., which presently is assigned ch. 8 WAGM-TV and ch. 19. The proposal was made by Northeastern Broadcasting Co., applicant for a new am in Presque Isle and owned principally by stockholders of WABI-AM-TV Bangor, Me. Ch. 10 can be assigned to Presque Isle by substituting ch. 6 for 10 in Ste. Anne de la Pocatière, Que.; ch. 7 for ch. 6 at Rivière du Loup, Que., and ch. 11 for ch. 6 at Matane, Que. The Canadian Dept. of Transport has notified the FCC it has no objections to the shifts.

- Shift of ch. 8 Muskogee, Okla. (KTVX [TV]), to Tulsa (proposed by KTVX). Tulsa currently is assigned chs. 2 (KVOO-TV), 6 (KOTV [TV]), educational 11 (KOED-TV), 17 (KSPG [TV]) and 23 (KCEB [TV]). In addition to ch. 8, Muskogee is assigned unoccupied uhf chs. 45 (educational) and 66. KTVX, KVOO-TV and KOTV are on the air. KCEB has been on but now is dark.

Assignment of either ch. 10 or ch. 12 to Moscow, Idaho, by deleting 10 from Pullman, Wash., or 12 from Coeur d'Alene, Idaho (proposed by KMOS-TV Inc., Moscow). Moscow currently is assigned educational ch. 15.

Shift of ch. 13 Yuma, Ariz. (assigned to KYAT [TV]), to El Centro, Calif. Yuma currently is assigned ch. 11 (operating KYAT [TV]) in addition to ch. 13. El Centro is allocated chs. 16 and 56, both unoccupied. The channel shift was proposed by Wrather-Alvarez Broadcasting Co., permittee of KYAT.

Assignment of ch. 12 to Farmington, N. M., which now is allocated ch. 17 only. Seeking the assignment is Farmington Broadcasting Co., whose principals operate

a community antenna system there rebroadcasting the signal of ch. 4 KOB-TV Albuquerque.

To decide between conflicting proposals to shift ch. 33 from Reading to York and Harrisburg, all Pa. Ch. 33 presently is assigned to dark WEEU-TV Reading. Ch. 71 WTPA (TV) Harrisburg is seeking the channel for that city; ch. 49 WNOW-TV York for that city. WTPA also proposed changing the educational reservation in State College, Pa., from ch. 48 to 69. York also is assigned operating ch. 43 WSBA-TV; Harrisburg ch. 27 WCMB-TV and ch. 55 WHP-TV, both on the air. In addition to ch. 33, Reading is assigned ch. 61 WHUM-TV (dark).

At the request of Bi-State Co. (KHOL-TV Kearney and KHPL-TV Hayes Center, both Neb.) and following rule-making proceedings, the FCC allocated ch. 3-plus to Ainsworth, Neb. In the same action, the offset carrier requirement of KOTA-TV Rapid City, S. D., was changed from ch. 3-plus to 3-minus and in Miles City, Mont., from ch. 3-minus to 3-even.

Bi-State plans to apply for the channel as a satellite operation.

Operating ch. 67 Columbia, S. C., petitioned the FCC to set aside the Commission's instructions to its staff which would deny the assignment of ch. 5 to Columbia. WNOK-TV asked the FCC to accept and consider "supplementary comments" relating to the station's income, which has shown a "sharp and complete" reversal.

WNOK-TV said that its loss in revenue for the first six months of 1957 will amount to substantially more than the station's entire net income for 1956. The station will be forced off the air, it said, unless relief is forthcoming. Also operating in Columbia is ch. 10 WIS-TV.

FCC ACTION BRISK ON ST. LOUIS MOVE

- KTVI (TV) switch draws fire
- Two vote their approval

A HORNET'S NEST of activity continues to revolve around the FCC's decision to deintermix Springfield, Ill., by shifting ch. 2 to St. Louis and Terre Haute, and ch. 36 from St. Louis to Springfield [B•T, March 25 *et seq.*]. Most filings are protests against the temporary use of ch. 2 by ch. 36 KTVI (TV) St. Louis. Among last week's developments:

- The Commission denied a request by Louisiana Purchase Co. asking immediate stay of authorization to KTVI for temporary operation on that channel.

- Louisiana Purchase immediately appealed this Commission action to the Washington Court of Appeals.

- WMAY-TV, which held a conditional grant for ch. 2 in Springfield, asked the FCC to reconsider its action in taking away ch. 2.

- Ch. 4 KWK-TV St. Louis protested the

temporary authority to KTVI and asked for a rehearing.

- Sangamon Valley Tv Corp. protested the shift of ch. 2 from Springfield, Ill., and assignment of ch. 36 there, and asked for a rehearing.

- St. Louis Telecast Inc. agreed with assignment of ch. 2 to St. Louis but attacked KTVI's use of the channel.

- Ch. 20 WICS (TV) Springfield and ABC both filed petitions supporting the Commission's action regarding Springfield and St. Louis.

In denying Louisiana Purchase's request for an immediate stay of the KTVI authorization, the FCC said: "Our examination of the various pleadings filed by Louisiana Purchase does not reveal any facts or arguments which were not fully considered before the adoption of the orders complained of." By withholding the temporary authority for ch. 2 at St. Louis until after a comparative hearing, the Commission said, the purpose of its action would be defeated (making ch. 36 available immediately for Springfield and at the same time insuring the continuance of a third tv service in St. Louis).

FCC emphasized that no final decision has been reached on the protests of KTVI operation on ch. 2 and that all pleadings on file will be considered before a final decision is reached. Neither Louisiana Purchase nor any other applicant is being denied the right to a fair and full comparative hearing (as claimed by many protestants), the Commission stated.

The ink was hardly dry on this order before Louisiana Purchase went to the Court of Appeals seeking to have the Commission overruled on its decision and to force a stay of KTVI's operation on ch. 2.

WMAY-TV said the Commission's determination that Springfield is predominantly uhf is "wholly arbitrary and capricious." During substantial portions of the week, WMAY-TV claimed, the most-watched station in Springfield is ch. 3 WCIA (TV) Champaign, Ill. However, the protestant said, "if the Commission should adhere to the erroneous decision that ch. 2 should be deleted from Springfield, then . . . it is imperative that ch. 36 . . . be assigned to Springfield."

KWK-TV charged that FCC had "delegated to Signal Hill Telecasting Corp. (KTVI) the sole discretion to determine whether ch. 36 should be deleted from St. Louis and whether ch. 36 or ch. 39 should be assigned to Springfield, Ill." The action taken by the Commission was not a lawful basis for granting KTVI the right to telecast on ch. 2, KWK-TV stated, and scored KTVI's operation from a site that does not meet the required mileage separation from ch. 2 in Terre Haute, Ind.

Sangamon, an applicant for ch. 2 in Springfield, said the Commission action is arbitrary, capricious and unlawful and asked the FCC to stay, reconsider and vacate its action.

St. Louis Telecast Inc., one of four applicants awaiting a final decision for St. Louis ch. 11, claimed the outcome of any comparative hearing for ch. 2 has been prejudged by FCC in awarding KTVI use of