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WCAU RADIO

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the only eligible applicant for ch. 10 (BROADCASTING, July 18, 1960).

Public Service used all legal steps to retain its ch. 10 operations, including an appeal to the Supreme Court (which the court refused to consider). After repeal avenues had been closed, the FCC ordered WPST-TV off the air and put WLBW-TV on ch. 10, effective last Nov. 20 (BROADCASTING, Nov. 27, 1961). At that time, the commission gave WLBW-TV special temporary authority to operate until this Tuesday (Feb. 20). That authority was extended last week for an additional 90 days.

The commission made it plain at the time L. B. Wilson's application was

granted that competing applications would be considered after the original four-month license period.

At the time it went off the air, WPST-TV President George Baker (the station was owned by National Airlines) indicated that Public Service would refile for the channel. Others also are reported preparing applications.

WLBW-TV currently has an application pending at the Federal Aviation Agency for clearance of a proposed 1,049-foot tower. Such approval is necessary from the FAA before the FCC will act on the new tower. Commissioner Rosel Hyde dissented and Commissioner T. A. M. Craven abstained.

MICROWAVE DENIAL CITES ECONOMICS

Harm to local tv can and must be considered, catv told

An application for common carrier microwave facilities to bring distant tv signals to catv systems in three Wyoming cities was denied by the FCC last week on the grounds a grant would result in the financial failure of the only local tv station serving the area.

In so doing, a five-man commission majority ruled that it can and must consider the economic impact such a grant would have on the local station—in this instance, KWRB-TV Riverton, Wyo. This is believed to be the first time the FCC has denied a grant of any kind on grounds an existing broadcast station will be forced off the air.

Upholding staff instructions issued two months ago, the FCC rejected the application of Carter Mountain Transmission Corp. for microwave stations to deliver tv signals to catv systems in Thermopolis, Riverton and Lander, all Wyoming (BROADCASTING, Dec. 18, 1961). Carter sought the new facilities for off-the-air pickup of KOOK-TV and KGHL-TV, both Billings, Mont.; KTWO-TV Casper, Wyo., and KID-TV Idaho Falls, Idaho.

Commissioner John S. Cross termed the majority decision a "bad law" in his written dissent. Commissioner Robert T. Bartley did not participate. In a similar case, the FCC last week enlarged a hearing on the application of Collier Electric Co. for license renewal of microwave stations servicing catv to determine the financial impact on KSTF (TV) Scottsbluff, Neb. Commissioner Cross also dissented in this action, as did Commissioner Bartley.

Authority to Act ■ The FCC rejected the argument of its own Common Carrier Bureau that it could not consider the effect on KWRB-TV of the grant of Carter Mountain's application. "We do not agree that we are powerless to prevent the demise of the local tv station . . . nor do we agree that the commission's expertise may not be worked

in this instance to predict this ultimate situation," the decision said.

Despite the fact KWRB-TV would "strive harder," the FCC said, the station would find it more difficult to sell its advertising if the catv pattern is changed as proposed by Carter Mountain. "This situation together with facts of record results in our judgment that the demise of this local operation would result," the decision stated.

The FCC said a grant of the microwave would permit the rendition of better catv signals, but at the expense of destroying KWRB-TV's rural coverage. "A grant of this application will not contemplate an extension of coverage for the entire area included in KWRB-TV's contours since it is too costly for catv to enter the rural areas," the FCC said. "Thus, the rural people would be left with nothing at all. This is not a true competitive situation where one or the other of the applicants would render the service."

Therefore, the commission said, after weighing the public interest involved in Carter's improved facility against the loss of the local station, "it must be concluded beyond peradventure of a doubt," the need for the local service offered by KWRB-TV is greatest for the public interest.

An Earlier Grant ■ The Carter application originally was granted by the FCC in April 1959 without a hearing. However, KWRB-TV filed a protest and the grant was stayed pending a hearing. Last May, Hearing Examiner Walter Guenther recommended a grant to Carter Mountain and ruled that the impact upon KWRB-TV is of no legal significance.

After the initial decision, the NAB (by request) was made a party to the case and argued on behalf of the KWRB-TV position that it would suffer fatal financial harm by the contemplated microwave grant. Catv systems