

WGN-TV, KTVU may be the next super stations

Satellite firms apply to FCC for permission to send out signals of two independents

Two more major independent television stations will be available to cable systems via satellite beginning Nov. 1. Southern Satellite Systems Inc., Tulsa, and its partially owned subsidiary, Satellite Communications Systems Inc., announced they would commence relaying, respectively, the signals of WGN-TV Chicago and KTVU(TV) Oakland, Calif., next month.

Edward L. Taylor, president of the two companies, said the signals of the two stations will be relayed via the RCA Satcom I satellite to cable systems around the country. Southern Satellite currently distributes WTCG(TV) Atlanta, one of the pioneers in satellite programming.

Both applications for permission to distribute the stations' signals are awaiting FCC approval but are expected to be cleared by the commission by late this month. According to Mr. Taylor, within 24 hours of FCC approval the carriers will file proposed tariffs, which will become effective 15 days later. Mr. Taylor said that during the period between Nov. 1 and the effective dates of the tariffs, the signals will be offered free to "any system prepared to receive the service."

"All a system must do in order to use this test period is to execute a service order and return it to our office prior to the commencement of service," he explained.

Southern Satellite has also filed an application with the FCC for permission to provide similar service for WPIX(TV) New York, and Satellite Communications, a joint venture with Holiday Inns Inc., has filed to carry KTTV(TV) Los Angeles.

WGN-TV, according to FCC figures, is already received via traditional distribution systems by 574 systems and 8.6 million subscribers. And, according to data supplied by the stations for the 1979 BROADCASTING YEARBOOK, KTVU is received by 215 systems with one million subscribers while WTCG is delivered to 438 systems with 2.1 million subscribers. Approximately 70% of WTCG's cable viewers receive their signals via satellite.

FCC show and tell

The FCC last week announced that its Consumer Assistance Office will hold a series of "public participation workshops" in cities across the country, beginning in Chicago on Oct. 18 ("Closed Circuit," Oct. 2).

The workshops, part of what the com-

mission describes as an effort to foster "thoughtful, informed and effective participation by the public in all FCC proceedings," will concentrate on the skills and mechanics required to participate in rulemaking proceedings. The inquiry into children's television programming and advertising practices will serve as a case study.

Thus far, plans are set for five one-day workshops. After Chicago, they will be held in Los Angeles Oct. 21 and 23, San Francisco Oct. 25 and Atlanta Nov. 6. Another workshop is planned for an East Coast city, but the location and time have not yet been set.

The workshops will be open to the public on a first-come, first-served basis, with a maximum of 100 participants.

The schedule is being worked out in a manner to permit Susan Greene, head of the commission's Children's Television Task Force, to participate in some National Association of Broadcasters regional fall conferences, as well as the workshops. Among the NAB conferences she is expected to attend are those in Chicago Oct. 19-20 and San Francisco Oct. 26-27.

And another comparative case goes back to FCC

Court remands WOR-TV decision, tells commission to reconsider challenger's financial qualifications

Multi-State Communications Inc., which the FCC had knocked out of a contest with RKO General Inc. for the channel 9 frequency on which RKO's WOR-TV New York operates, is back in.

The U.S. Court of Appeals in Washington last week reversed the commission's decision and remanded the case to the agency.

At issue was the question of whether Multi-State had presented reasonable assurance that a \$4 million loan from the Chase Manhattan Bank would be available for construction and operation of a new station.

The administrative law judge in the case, Chester Naumowicz, had held that the testimony of a bank officer who had written a letter indicating the loan would be available had weakened that assurance. The commission adopted the ALJ's findings and conclusions.

But the court read the testimony of Kaye H. Jones, a vice president of the bank, differently. Judge Elbert P. Tuttle, senior judge of the U.S. Court of Appeals for the Fifth Circuit, who was sitting by designation and who wrote the opinion in which Judge Carl McGowan joined, said: "We construe Jones's testimony as establishing that the bank had gone as far as it could under the circumstances in providing reasonable assurance that the loan would be made, short of making a legally binding loan commitment"—which the

commission has held is not required.

Judge Tuttle noted that Mr. Jones had "expressed the bank's continuing willingness to lend up to \$4 million, as stated" in the letter. When asked if the letter was "a viable, subsisting letter" which the bank regarded as "outstanding to Multi-State Communications," Mr. Jones had replied, "Yes, sir."

The commission "erred in construing the import of Mr. Jones's testimony," Judge Tuttle said, adding, "that letter should have been accepted by the commission as satisfying its requirement of reasonable assurance that the loan would be available."

Accordingly, he said the case was being sent back to the commission for "further proceedings in which the petitioner is not regarded as disqualified for financial reasons on the basis of the unavailability of the loan."

The third member of the panel, Judge David Bazelon, dissented. But his separate statement did not indicate disagreement with the conclusion reached by the majority. He said he would remand the case for consideration of a second financial commitment which Multi-State presented but which the commission did not accept. It had been filed late in the proceedings but, Judge Bazelon noted, before the commission's order was final.

Judge Bazelon also said in a footnote that there are other factors in the case which, while they may not require a remand, touch on the question of "fairness" to Multi-State. He noted that RKO "was a major customer of Chase Manhattan." That "potential conflict of interest," he added, "shadows" Mr. Jones's performance in connection with the loan request.

Conditional OK to KTVU

FCC renews license of Cox's Oakland TV and rejects petition by local group; it's hinged on outcome of court suit charging discrimination

The FCC last week conditionally renewed the license of Cox Broadcasting Co.'s KTVU(TV) Oakland, Calif., and, in the process, rejected a petition to deny filed by a local citizen group. Marcus Garvey Wilcher, on behalf of the Community Coalition for Media Change, had charged that the station discriminated against blacks in its employment and promotion practices, and that it "avoided black programming."

The commission said it found no basis for the charge of discrimination. However, an employment discrimination complaint by a station employee is pending in court, and the commission said it would condition KTVU's renewal on any action deemed appropriate on the outcome of the suit.

As for the programming issue, the commission said the coalition had failed to maintain its burden of showing that the station's over-all programming could not