

to renegotiate the terms of their contracts with KTTV. Metromedia said.

And all of that, Metromedia added, despite its attempt to resist ASN's plans.

"How," Metromedia asked, "does the commission expect a station like KTTV to continue to serve its community of license when nationwide marketing of its signals, which it is powerless to control, threatens to inhibit its ability to acquire program product?"

Both petitions urge the commission to move fast. NAB asked for the start of a rulemaking "as fast as possible, preferably in conjunction with other issues of cable regulation now ripe" for action. With expedited action, NAB said, the rulemaking could commence by June 1. (NAB added that if the commission "persists in procrastinating" or does not agree that remedial action is necessary, it should deny the petition "outright" to permit NAB to appeal "at the earliest possible date.") Metromedia asks for action on its petition within 60 days. If final action is not possible that fast, Metromedia said, it wants to be so advised, in writing.

## Congress uncovers FCC attitudes

**In hearings on budget proposal, Hollings hears Ferris say spectrum fees should cover FCC costs and spectrum value; Weicker warns against intrusion in children's ad area**

Senator Ernest F. Hollings (D-S.C.) last week indicated some sensitivity to broadcasters' criticisms of the spectrum fee proposal in his bill to overhaul the Communications Act (S. 611) (BROADCASTING, March 19). But he found a sympathetic ally on the issue in the person of FCC Chairman Charles D. Ferris.

Senator Hollings, while presiding at a Senate appropriations subcommittee hearing on the commission's proposed budget for fiscal year 1979, noted some broadcasters have said that they were the "pioneers" without whose work the spectrum would have remained fallow, and that, as a result, they should not be required to pay for use of the airwaves.

"I knew a lot of people waiting in line with similar pioneer spirit to use the spectrum," said Chairman Ferris.

He said those who make private or commercial use of the spectrum should pay for it, though not necessarily through a uniform fee. He would gear fees to commission costs, as well as to the fair market value of the use of spectrum.

And Senator Hollings, in defending his fee proposal, observed that broadcasting was the first industry to seek government regulation. "The spectrum was worthless until regulation eliminated the chaos" of interfering broadcast signals, he said.

In other matters:

■ Senator Lowell P. Weicker Jr. (R-Conn.), who last year was a leading figure

**What's ahead.** Special meetings on captioning for the deaf, the cable television economic inquiry and radio deregulation are on the FCC's agenda over the next two months.

Items of particular interest to broadcasters and cable operators include: captioning for the deaf, April 5; House Communications Subcommittee oversight hearing, April 11; symposium on recommended changes in adjudicatory procedures, April 17; cable television economic inquiry, April 25; seventh annual telecommunications policy research conference, at Skytop Lodge, Pa., week of April 29; radio deregulation, May 8; and first-class radio operator licensing, May 22.

in the Senate criticism of the Federal Trade Commission's then-proposed inquiry into television advertising aimed at children, indicated he is interested in the FCC's activities in that field.

Chairman Ferris, asked about the status of the commission's inquiry, noted that it dealt with programming as well as advertising, and its approach was "different" from that of other agencies. "We are concerned with the positive value of children's programming, and is it being fulfilled," he said.

"The committee has been concerned where the First Amendment is involved about how far regulatory agencies should go," Senator Weicker said. "I hope you'll show a proper sensitivity..." The Constitution "doesn't go out the window" simply because children are involved, he said. He said his concern applies to the FCC as well as to the FTC.

Senator Weicker expressed the view that the way to improve television is "not by regulation but by diversity and competition." He made the comment in discussing with commission officials the agency's program to achieve comparability between UHF and VHF. Nina Cornell, chief of the commission's Office of Plans and Policy, said the commission expects to know in two years what will be needed to make UHF competitive with VHF.

There was no deep probing of the proposals in the administration's request of \$71,816,000 for the commission. The total represents an increase of \$1,370,000 over the appropriation for fiscal 1978. The new funds will permit only the filling of five new positions, all of them in the commission's program for promoting equal employment opportunities in broadcasting.

## TV finances go to Hollings for fee study

**FCC will provide 1977 reports from stations as his subcommittee tries to come up with formula**

The Senate Communications Subcommittee will be given the 1977 financial statements of all television stations filed at the FCC, for a review of the proposed schedule of "public resource" fees in S. 611, Senator Ernest Hollings's (D-S.C.) newly introduced revision of the Communications Act.

The schedule, contained in the body of the bill (BROADCASTING, March 19), was drawn without benefit of specific station

figures, a staff spokesman said last week. Rather, the staff relied on over-all market data to estimate the fee's intake, which the staff figured would be about \$80 million a year.

The spokesman said the FCC had turned down an earlier request for the broadcast data, which all TV stations supply annually on form 324, on the basis that the information is confidential. On learning that similar data had been supplied to the House Communications Subcommittee staff when it was preparing its cable television report in 1975, however, the Senate staff renewed the request. The commission granted it last week.

The subcommittee spokesman said it is unknown whether the review of the figures will result in alterations of the fees in S. 611. But the staff will be doing calculations to "see where the inequities are... to see how the formula works and where it doesn't work."

The spokesman added that the station information will be protected against public release.

## Freedom for some, hairshirt for others

**FCC's Washburn and Quello feel that FOI requests can unduly overwork staff, create gun-shyness**

FCC members are expressing concern about Freedom of Information Act requests that burden the staff and, in the view of some members, resemble fishing expeditions that might inhibit commissioners and staff when they subsequently put their thoughts on paper.

The complaints were voiced by Commissioners Abbott Washburn and James H. Quello during the commission discussion of an FOI request by the Council on Children, Media and Merchandising, and later in a joint dissenting statement.

The council had sought all correspondence of the former director of the commission's Children's Task Force, Karen Hartenberger. After a staffer had spent two weeks servicing the request, the commission made available 250 pieces of outside correspondence and 127 of 155 in-house memorandums.

The council then appealed to the commission for the remaining 28, and the commission, on a 4-to-2 vote, agreed to make available another 21.

Commissioners Washburn and Quello, in their dissenting statement, said they felt