

ownership. "Our national ownership rules are concerned with insuring that no single individual controls access to too large a segment of the American public," he said. "Surely this is not an issue that turns on race. If the public interest is threatened by concentrating ownership of 14 stations in a single owner, how is that threat obviated by the race of that owner? Our minority ownership policies, on the other hand, are designed to maximize diversity among broadcast licensees—but subject to the same national ceiling. I believe, therefore, that we should set a single national ownership ceiling and then work, within the constraints of that limit, to foster minority ownership of broadcast stations."

In a statement, Commissioner Henry Rivera said he was particularly pleased that the FCC got rid of the sunsets. "By law, the FCC is required to monitor the broadcast marketplace and to re-examine its rules when the circumstances upon which rules are based have changed," Rivera said. "I see no reason to chafe at this legal duty here. In fact, an automatic sunset of these rules would have been illogical and ill-advised since the commission has no way of knowing now what the condition of the marketplace will be in 1990 from the standpoint of diversification or economic concentration."

Wilson—who noted that he and other members of the Congress had met with the commissioners, broadcasters, Hollywood producers and public interest groups to seek a compromise—said Dawson, the lone dissenter to the commission's original ruling, Leland and Dingell deserved special credit. "I personally met with each of the commissioners and they deserve credit for [being] willing to listen and for their workmanship in forging this delicate compromise."

Wirth said the FCC's action would "help insure that Americans will be able to enjoy an increasing multiplicity of programming sources."

Leland said he thought Fowler, Dingell, Wirth and Wilson should be commended. "The spirit of compromise and concern for the public interest they demonstrated over the past few months served to make this positive outcome possible," Leland said.

Edward O. Fritts, president of the National Association of Broadcasters, complained that "entirely too much attention has been paid to the reactions of Hollywood as opposed to the realities of the communications marketplace on this issue." But he said the NAB was "gratified" by the outcome, and he added: "A compromise has been reached which allows growth and expansion. Chairman Fowler remained true to his principles in a trying situation and deserves the praise of all who believe in an unfettered environment."

Congress had kept the FCC on a short leash. The conference report accompanying the moratorium legislation said: "The conferees direct the FCC to proceed cautiously in this area, to consider all potential alternatives, and to consult with the committees on appropriations, the Judiciary Committee, the Senate Commerce Committee and the House Energy and Commerce Committee

prior to taking any further action" (BROADCASTING, Aug 13, 1984).

■ It really wasn't clear what happened to the commission's item proposing to give Rhodes Productions a waiver of the prime time access rule. It slipped away without a vote, even though it appeared that all of the commissioners except Fowler were poised to deny it. After the meeting, a source in the chairman's office, without offering further explanation, said that the item "is still pending and will be acted upon shortly."

At issue: Rhodes, the producer of *Second City Television*, a comedy program that had original runs on network, cable and in first-run syndication, had recut the old segments of the program into 158 half-hours. It wanted to market them for the prime time access period, even though they contained material that originally had its first run on a network (BROADCASTING, Dec. 17).

The FCC's Mass Media Bureau, at the direction of the chairman's office, had proposed that the waiver be granted. And, at the meeting, Fowler argued at length for granting that request. Fowler contended that no "wholesale revision" of the PTAR was at stake and that the grant would further the purposes of the rule. At one point, Fowler said that by failing to grant the waiver, the commission might be "dooming" Rhodes Productions.

Quello, however, said a grant would "in some ways" run counter to the PTAR's purpose in reducing the opportunity for first-run syndicated programming. Quello also questioned whether it wouldn't be more appropriate to consider waiver requests from individual stations rather than from the program's producer.

Patrick questioned whether a waiver legally could be granted, and whether such a waiver wouldn't defeat the policy purposes of the rule. He also questioned whether a waiver could be drafted narrowly enough to discourage others from filing similar requests. Commissioners Mimi Dawson and Henry Rivera indicated that they also were concerned about the waiver's opening the "floodgates" to similar requests.

Everyone seemed to be willing, as Dawson put it, "to sleep on it," however. "I think we are inviting trouble in an area that is so terribly, terribly sensitive," Dawson said.

■ Also on the mass media front, the FCC adopted its final list of 689 allotments for new commercial FM's. Jim McKinney, Mass Media Bureau chief, said the commission would address how and when applications would be accepted in a separate item in January. He said it was his hope that the commission would start accepting applications by March, "before the snow stops flying."

At Quello's suggestion, the Mass Media Bureau will attempt to work out an arrangement with the National Telecommunications and Information Administration so noncommercial broadcasters who apply for the new FM's will also be able to apply for NTIA public telecommunications facilities program grants. (Although the new FM's are for commercial occupancies, noncommercial broadcasters may apply for them.) The prob-

lem for the noncommercial operators is that NTIA's deadline for its grant program, which has been targeted for elimination in the past, is Jan. 16, and the FCC won't be accepting applications for the new FM's by that time.

■ The final list of 689 locations the FCC has proposed for new FM allocations in its Docket 80-90 appears on pages 36 and 37. The FCC will address deadlines for applications and the method for awarding licenses in an order in January. □

Two more movie networks for independents

MCA-TV and joint venture by Viacom and Tribune will offer major theatrical releases on advertiser-supported basis

The list of program distributors offering ad-hoc advertiser-supported movie networks continues to grow as two separate ventures were announced over the holidays selling major theatrical titles with no network television exposure to independent television stations. MCA-TV and a joint venture between Viacom Enterprises and Tribune Broadcasting have become the latest suppliers to set up their own alternate distribution system for major theatricals releases that only a few years ago would have been scooped up for multiple-year license terms by the three networks.

Although different in size and scope, the two new ad-hoc movie networks represent a growing trend among movie studios and program suppliers to establish new distribution channels for the reserve of major theatricals that are building up as a result of a shrinking demand on the part of the networks in favor of an emphasis on made-for-TV movies and mini-series.

MCA-TV announced it has formed the Universal Pictures Debut Network and in September 1985 will begin premiering 24 major theatrical titles at the rate of one per month on an advertiser-supported basis and then make the whole package available to the same stations via cash sale with no interim pay television window. All but three of the 24 titles have never had network play, although many of the titles have had a pay-TV run.

Shortly after the MCA-TV announcement, Viacom Enterprises and Tribune Broadcasting lifted the curtain on a similar joint venture for essentially the same purpose. Called TV NET, the joint venture will provide stations one theatrical per month on an advertiser-supported basis. And once again the films have had no network exposure, although again many of the titles are familiar to pay-TV watchers. The partners also said they hoped TV NET would clear the way for a "variety" of prime time advertiser-supported ad hoc network projects, including mini-series, specials and first-run programming.

The first phase of the MCA-TV Debut