

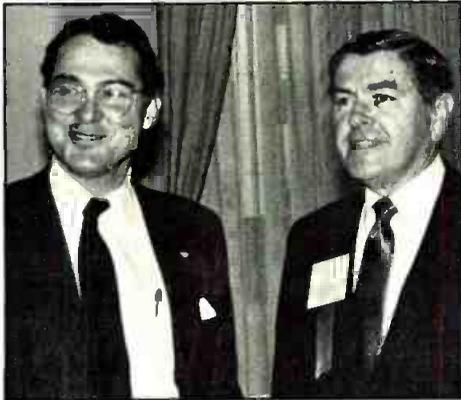
Calvani keeping FTC on steady course

Acting chairman is pleased with agency's current deregulatory track

Acting Federal Trade Commission Chairman Terry Calvani reconfirmed his intention to maintain the status quo at the agency last week, saying that he foresaw "no major changes" during his tenure there. Speaking to the American Advertising Federation's ninth annual law and public policy conference in Washington Dec. 3, Calvani said that the commission "is going in the right direction. I see my job, quite honestly," he said, "simply to insure that we don't loose any speed, that we follow the course that we've been following for some period of time."

Calvani and others praised the current deregulatory climate. Gilbert Weil of Weil, Guttman, Davis & Malkin, said the environment was "a bit warmer" and "understanding" of the advertising industry than during the Jimmy Carter administration. AAF President Howard Bell said that while advertising now "faces a more favorable regulatory environment," advertisers should be watchful of efforts to use advertising "as a scapegoat in addressing societal issues," and against attempts "to whittle away, or further qualify, the constitutional protections" now afforded to the industry.

Calvani told those at the conference that the FTC will be watchful of "credence goods" advertising—products that require the consumer to be dependent on information supplied by the vendor. Also, he sees "no crying need" for the FTC to get involved in children's television. Children's advertising doesn't pose a special case, Calvani said. "Standards that we [the FTC] apply to adver-



Calvani and Bell



Kasten

Washington Watch

High court passes. Supreme Court last week declined to get involved in question of how far FCC can go in investigating practices of religious broadcasters without violating First Amendment clause guaranteeing freedom of religion. High court refused to review case in which commission stripped Faith Center Inc. of its licenses for KVOF-TV San Francisco and KHOF(FM) Los Angeles for failure to turn over documents that agency had requested in investigation of Faith Center operations. Investigation turned on allegations of employee—who Faith Center said was fired for falsifying time cards—that nonprofit organization had not used money it raised in on-air promotions for purposes stated in broadcasts. Faith Center refused government's request for documents on ground that disclosure would violate its religious beliefs. Faith Center's attorneys, in seeking review, said commission lacks authority to revoke licenses without determining if that action violates church's First Amendment right of religious freedom.

TV channel count. According to FCC, as of June 30, 1985, 34 VHF and 106 UHF commercial television channels were still vacant and unsought. FCC said 25 VHF's and 42 UHF's were more than 55 miles from Area of Dominant Influence title cities. Nine open VHF's and 27 open UHF's were in top 50 ADI's, but all of those VHF's and 15 of UHF's were more than 55 miles from ADI title cities. In ADI's 51-100 were three open VHF's and 27 open UHF's, with all of those VHF's and 11 UHF's more than 55 miles from title cities. In markets 101-150 were eight open VHF's and 25 open UHF's, with all VHF's and seven UHF's more than 55 miles away from title cities. In markets 151-225 were 14 open VHF's and 27 open UHF's, five of VHF's and nine UHF's more than 55 miles from title cities.

Under consideration. House bill that would establish uniform poll closing hours for presidential elections may be considered this week (BROADCASTING, Dec. 2). Measure, introduced by Representative Al Swift (D-Wash.) and William Thomas (R-Calif.), cleared House Rules Committee last week and is slated for debate before Congress adjourns (Dec. 13 is tentative date for adjournment). Rules committee granted open rule which means one-hour general debate followed by amendments.

Commercial fines. FCC Mass Media Bureau has fined noncommercial WVRM(FM) Hazlet, N.J., \$5,000, and noncommercial WGMC(FM) Greece, N.Y., \$2,500 for allegedly violating rule prohibiting noncommercial stations from airing paid promotional announcements for profit-making entities. Bureau also admonished noncommercial WNVG(TV) Fairfax, Va., for allegedly violating same rule.

Civics lesson. Congressional action "or just the threat of congressional action" have affected course of "many" FCC proceedings. That's what former FCC Commissioner Henry Rivera told Bell communications research seminar in Washington. Rivera, now partner in law firm of Dow, Lohnes & Albertson, also said FCC chairman may only act by majority vote of commissioners or by delegation from them. "When the chairman testifies before Congress, he is testifying only for himself, unless he has a mandate from the commission, which is very rare," Rivera said. "Many, including some in Congress, fail to grasp this fact."

Reversal. Reversing initial decision, FCC Review Board has granted application of Talleyrand Broadcasting for new FM in Bellefonte, Pa., denying competing application of Bald Eagle Media Inc. Administrative Law Judge Byron Harrison had found Bald Eagle preferred on diversification grounds. Board, however, said each applicant was equal on diversification and that Talleyrand was preferred slightly on integration grounds because its principals live in area that station will serve. Talleyrand is owned by Walter D. Barker (51%) and his wife, Kay F. Barker (49%). According to initial decision, Barker was chief engineer for noncommercial WTLR(FM) State College, Pa. Neither he nor his wife has other media interests.

Sent back. FCC Review Board has remanded for further hearing case in which Alden Communications Corp. and Sungilt Corp. are vying for new UHF on channel 46 in Green Valley, Ariz. In initial decision, FCC Administrative Law Judge John Conlin had granted application of Sungilt, finding it preferred on integration and diversification grounds (BROADCASTING, April 15). Board, however, ruled that further hearings were required to "resolve a material and substantial question of fact" as to whether Sungilt had reasonable assurance of transmitter site.

U.S.-Soviet exchange. USIA proved to be administration agency to implement cultural exchange agreement signed by U.S. and Soviet officials in Geneva earlier this month. Alvin Snyder, head of USIA's TV service, reported that USIA and Gostelradiq (government television system in USSR) will cooperate in live, two-hour, two-way video conference on heart disease. Members of U.S. College of Cardiology and Society of Cardiology of USSR will participate in discussion on prevention and treatment of heart disease to be held on Dec. 16, beginning at 10 a.m. NYT. Broadcast will be seen in USSR and elsewhere around world, but not in U.S., because of law prohibiting distribution of USIA material in U.S.