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TELEVISION / 39

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RADIO / 44

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CABLE / 50

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BUSINESS / 54

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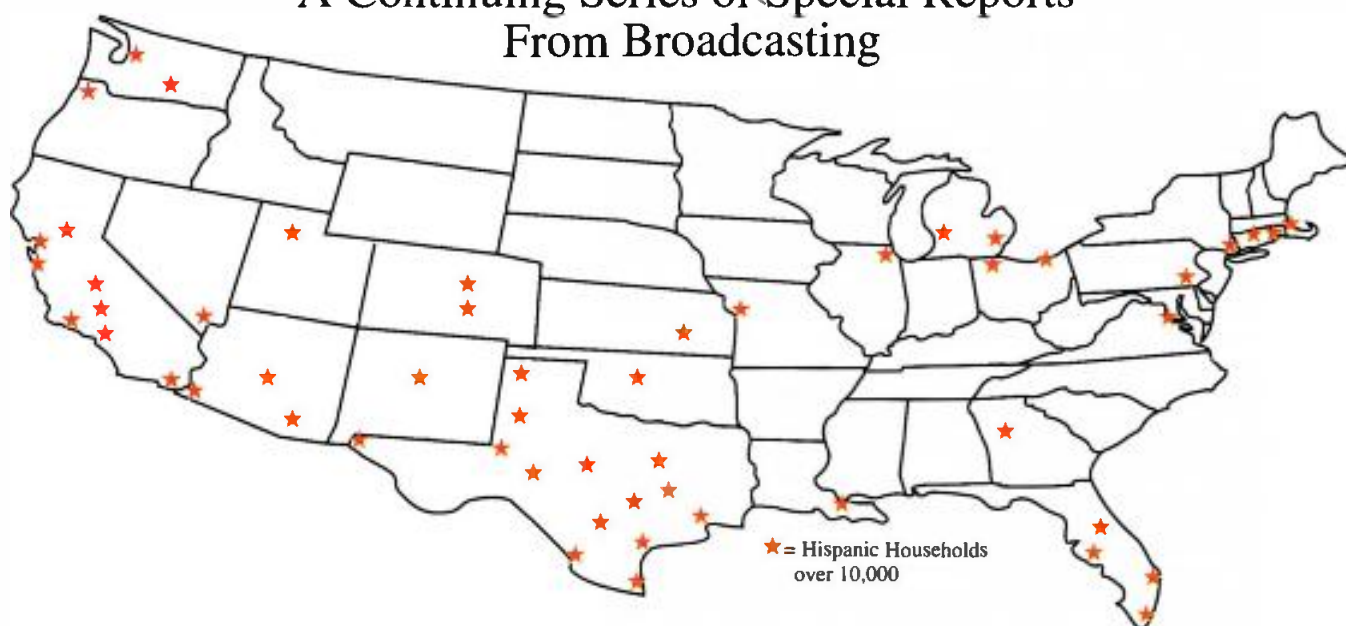
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EDITORIALS

Committed to the First Amendment and the Fifth Estate

THREE CHEERS FOR 3-2

We hold these truths to be self-evident:

□ That fin-syn is not over.

□ That the FCC's 3-2 decision came closer to being Solomonic than many might have expected.

□ And that the reconsideration process may end up being as significant in terms of fine tuning as the preceding months have been in setting the stage.

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The networks, of course, had everything to gain and nothing to lose, and they gained considerably. Foreign syndication perhaps most of all, followed by the rights to financial interest in all outside productions, subject to a 30-day embargo, as well as in-house productions, up to 40% of the schedule. They were, of course, denied first-run syndication.

But perhaps the greatest boon to the networks was that the fin-syn egg was cracked, even if not broken. It has taken 20 years to reach this juncture, and while it was unrealistic to think that repeal could be obtained this time around, it is not difficult to project complete relief in a not too distant future.

Hollywood, on the other hand, had nothing to gain and everything to lose, and it lost considerably. Yet, thanks to the third vote that gave Hollywood the majority in last week's deliberations, its interests were judiciously represented. It will do well to hold onto this new status quo for yet a while longer.

The FCC said it was guided by two core principles in the financial interest proceeding: "regulatory constraints should not be allowed to undermine the continued viability of our nation's prized broadcast system and the major networks that so significantly undergird that system," while promoting "the public interest in diverse and antagonistic sources of programming." It came close to achieving that regulatory nirvana last week, and there is ample opportunity to come closer still.

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The FCC last week unanimously adopted rules and policies implementing the Children's Television Act. It is a prescription for a phantom illness, and one that only weakens our broadcasters'—and cable operators'—editorial control of the content of their programming.

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may not. It's up to the FCC to decide at renewal time. The FCC's definition of "educational and informational" is programming that "further the positive development of the child in any respect..." That's pretty broad, but it's also plenty of rope with which to hang oneself. Broad leeway can also be enough rope to hang oneself (and broadcasters, to the extent they were party to the legislation out of what they believed was political or economic necessity, have supplied the rope).

The problem with the children's act, as with the FCC's indecency policy, is that it takes the FCC one step further into the mire of content regulation. And, as with the indecency decision, it is based on the false premise that the public interest is best served by a government that manipulates the media.

LOGICAL CONCLUSION

The chief court administrator for the state of New York has concluded, following that state's 40-month test of cameras and microphones in the court, that the invitation to Fifth Estate journalists should be made permanent. His reasoning is simple and elegant, of a caliber that gives one hope for state government officials in general. In a 179-page report, Chief Administrator Matthew Crosson said: "Principled disagreements over the concept of cameras in the courts always will be with us. But the experience of a large majority of those who actually participated in the experiment leads logically to only one conclusion: Cameras do not have a significant adverse effect on judicial proceedings." Among the study findings that led Crosson to that conclusion: 98% of jurors responding said the presence of cameras in the courtroom did not make them feel pressured either to convict or acquit; 94% of the judges said that the coverage did not affect the fairness of the trial—an additional 3% even said such coverage made the trial fairer.

We urge legislators in New York to follow the advice of their chief court administrator and allow Fifth Estate journalists the tools of their trade.



Drawn for BROADCASTING by Jack Schmidt

"There's a hostage situation at the radio station. They've got a vacation relief DJ and they won't let him go."

FIFTH ESTATE

ERVIN DUGGAN: LETTING HIS LIGHT SHINE

FCC Commissioner Ervin Duggan admits he probably belongs to the 19th century, but he doesn't believe that disqualifies him from helping guide the Fifth Estate into the 21st century. In fact, the 51-year-old Democrat believes the values he is trying to carry over from the last century—civility, tolerance, humaneness and restraint—are vitally important for broadcasting and cable to embrace.

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Although Duggan has yet to arrive at his own definition, he believes it would be "dangerous" to allow the standard to wither away. "One of the unhappy consequences will be to attract people into broadcasting who care about nothing but the commercial aspects."

That said, Duggan makes clear he is not looking for a regulatory hook to impose his views on broadcasters. "As a regulator, I am going to be very modest about intervening and trying to direct the ways broadcasters behave," he says.

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need in this thoroughly squalid century of ours is precisely to turn back the clock," he says.

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IN BRIEF

George Vradenburg, senior VP-general counsel, CBS, begins new job today (April 15) as **executive VP of Fox Inc.**, reporting directly to Fox Chairman Barry Diller. Vradenburg said he was "exhilarated" by prospect of expanding be-



yond legal realm into general corporate management. Upon announcement, CBS President Laurence Tisch issued statement praising Vradenburg for his "wise counsel and great professionalism" over past decade in guiding CBS "through countless problems and crisis from the Westmoreland case to the fin-syn battle." Part of impetus for move to West Coast was career of Vradenburg's wife, Trish. She is accomplished TV writer, having sold scripts for series including *Designing Women*, *Kate and Allie* and *Family Ties*. **Ellen Kaden**, CBS deputy general counsel, was named acting general counsel.

ABC will offer advertisers traditional ratings guarantees. Although network has not made official announcement, executive there told BROADCASTING that ABC will scrap controversial audience delivery guarantee policy developed last June to compensate for sudden shifts in Nielsen's people-using-television (PUT) numbers. NBC and CBS dropped PUT plan last month. All three networks seem to be in agreement that some stability has returned to Nielsen numbers.

Possibility of licensing agreement between NAB and European Eureka research consortium for Eureka 147 digital audio broadcasting technology is still alive, Egon Meier-Engelen, chairman of Eureka 147 project, said last week. NAB had

hoped to have deal worked out by April 1 when it endorsed Eureka during its last board meeting (BROADCASTING, Feb. 4). "The problem is on our side," Meier-Engelen said. Eureka 147 group is made up of about 20 European companies and independent research labs which have contributed separate patented components to system. After patent pool system to divide profits among labs is organized, negotiations with NAB and other potential licensees worldwide will resume, Meier-Engelen said. Similar patent pool was organized for Eureka's earlier HDTV project, he said.

ABC's Good Morning America last week enjoyed its 66th consecutive win in weekly ratings race, but recent gains by NBC's *Today* show has ABC executives concerned. ABC's Phil Beuth, president of early morning and late night TV, acknowledged *GMA* is facing "some real new challenges" from NBC show, which recently replaced co-host Deborah Norville with Katie Couric. *Today* was within rating point of *GMA* for fifth week in row last week, scoring 3.8/18 versus ABC's 4.2/19 for week ending April 5. Beuth said ABC is not "nervous" about *Today* gains, but is "absolutely" concerned about them.

Hearing is set today (April 15) in U.S. Bankruptcy Court in Los Angeles for group of creditors seeking involuntary bankruptcy for MGM-Pathe. There was more turmoil at MGM-Pathe Communications last week as questions regarding studio's chief lender Credit Lyonnais' willingness to loan MGM-Pathe more equity surfaced. MGM-Pathe issued statement saying Credit Lyonnais has said MGM-Pathe has "full support of bank to fund its existing payables and to provide support for its ongoing operations. Studio was also in news after Italian magazine reported MGM-Pathe Chairman Florio Fiorini said he is planning to sell studio. Fiorini, in statement, said article was invented and he never gave interview.

Senate Communications Subcommittee Chairman Daniel Inouye (D-Hawaii) told administration witnesses last week that he remains opposed to idea of auctioning spectrum. "I do not believe the public interest should be sacrificed by spectrum auctions," Inouye told FCC Chairman

Al Sikes and NTIA head Janice Obuchowski. Inouye held hearing on S.218, bill that would reallocate 200 mhz of government spectrum for private use. Both Sikes and Obuchowski favor idea of reallocating spectrum but think "competitive bidding" process should be adopted.

Durham Corp., North Carolina-based insurance company headed by George Womble, has made definitive agreement to sell its broadcast properties held by subsidiary Durham Life Broadcasting Inc. to group of shareholders for \$26.8 million. Purchase is in form of \$3 million cash and 835,000 shares of Durham stock, currently being traded over-the-counter at \$28.50 per share. Stations in sale are WPTF(AM)-WQDR(FM) Raleigh, WMFX-AM-FM Laurinburg and WPTF-TV Durham, all North Carolina, and Southern Farm Network in Raleigh-Durham.

KQAM(AM)-KEYH-FM Wichita, Kan., sold by Radio Management Services, management company for receiver Cenral Trust Co. of Cincinnati, to Clear Channel Communications Inc. for approximately \$2 million. Stations were purchased in 1988 for \$4.43 million. Buyer is headed by Lowrey Mays, and operates eight AM's, eight FM's and five TV's.

At end of last week, **Tele-Communications Inc. and SportsChannel America** were close to completing agreement that would enable TCI systems to carry SCA's coverage of 1991 NHL playoffs, which run through May. SCA has already signed agreement for two St. Louis TCI systems to carry games. When corporate-wide agreement is complete, those TCI systems eligible will be those which don't distribute SCA's NHL playoffs.

Englewood, Colo.-based Jones Spacelink Ltd. will acquire Drake-Chenault/Jones Satellite Services. Drake-Chenault/Jones Satellite was formed two years ago as joint venture between Drake-Chenault Radio Consultants and affiliate of Spacelink. Radio company offers five satellite-delivered formats to 250 affiliates.

LBS Communications is adding 12 titles to its LBS World Premiere Movies package, and has extended broadcast window to October 1992. Original package cleared on 120 stations with 90% U.S. cover-

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Kraft General Foods has committed to major multi-year syndication sponsorship of fall 1992 off-network entry, *The Wonder Years*, according to Turner Entertainment Co. spokesman, who would only say that Kraft's upfront advertising buy accounts for "significant portion" of national ad inventory. Turner Entertainment, which acquired syndication rights to *Wonder Years* late last year from producer New World Entertainment for reported guarantee of \$100 million, is tagging one-minute national barter time to cash license being offered. Sales total 22 markets, representing 25% of U.S., with top market clearances on WPIX-TV New York, KTTV-TV Los Angeles, WFLD-TV Chicago and KPLR-TV St. Louis.

NBC has renewed *Unsolved Mysteries* for next season, cited as "cornerstone" of its Wednesday night lineup at 8-9 p.m.

Orbis Communications has sold *Over the Influence*, pair of hour-long specials hosted by Tom Selleck and Whitney Houston, in 160 markets, representing 93% of country. Selleck narrates first hour, *Over the Influence: Preventing Our Kids From Using Drugs and Alcohol*, while Houston hosts *Recovering Our Kids From Drugs and Alcohol*. Orbis spokeswoman said specials, which have April 13-21 broadcast window, can be aired separately or together as two-hour special.

Paramount Domestic Television, as reported earlier ("Closed Circuit," April 8), confirmed that **Kari Sagin has been named executive producer of *The Maury Povich Show*.** Sagin leaves post as senior producer of Multimedia Entertainment's *Sally Jessy Raphael* hour talk show, position she held since 1988.

FCC will give innovators of new products and services preference when awarding new service licenses. FCC said "pioneer's preference" will "foster the development of new services and improve existing services by reducing for innovators the delays and risks associated with the current FCC allocation and licensing processes."

Petitions to deny sales of two Pittsburgh TV's—Renaissance Communications Corp.'s WPGH-TV to Sinclair Broadcasting and Sinclair subsidiary Commercial Radio Institute's WPTT-TV to WPTT Inc.—have been jointly opposed by pro-

posed principals. Filing by Pittsburgh area resident Mark I. Baseman contends financial terms of WPTT-TV sale might lead to "reversionary" interest in station by subsidiary, thus violating multiple ownership rules, and that proposed programming strategy after sale will decrease competition in market; both petitions accuse stations of "inadequate" and "deficient" minority employment practices. Opposition calls Baseman's assertions "laughable," based on "surmise" and "guesswork," and should be ignored for "total failure to provide any labor force data." FCC has just started looking at applications.

Representative Al Swift (D-Wash.) will push for first reauthorization of Federal Trade Commission since 1980, beginning with hearings in late spring or early summer in House Transportation and Hazardous Materials Subcommittee of Commerce Committee, which he chairs. Swift, who heard testimony of FTC commissioners in April 10 oversight hearing, wants "clean bill," minus unfairness standards language that has limited FTC policy-setting authority to case-by-case enforcement, said subcommittee staff.

Western International Syndication has concluded an agreement with producer Lee Stanley of Stanhaven Productions for distribution of six quarterly specials under *Desperate Passage* banner. Stanley, Los Angeles-based filmmaker, originally produced *Desperate Passage* as two-hour special that took six hardened juvenile offenders on sailboat adventure to promote unity and brotherhood, which

aired on KTLA-TV Los Angeles in 1988.

Eric A. Foretich has filed \$100 million suit against CBS Inc. and Connie Chung in federal court in Washington, alleging he was defamed by January 1990 report about his legal battle with ex-wife Elizabeth Morgan, who claims Foretich sexually abused their daughter.

In effort to attract young demos to its late-night schedule, **ABC-TV is preparing to air hour-long rock concerts on Fridays at midnight** this summer, beginning June 7.

***American Detective*, prime time hour-long reality series distributed by Orion Television Entertainment, will join ABC schedule for limited run,** beginning May 2 at 9 p.m. In other ABC shifts, *Twin Peaks* goes on hiatus following April 18 episode, returning for two-hour season finale on June 10.

President Bush has nominated Texas broadcaster **Henry E. Catto to replace Bruce S. Gelb as director of United States Information Agency.**

Frank Smyth, freelance journalist for *Village Voice* and CBS Radio, is missing in Iraq. Smyth made last broadcast for CBS on March 27.

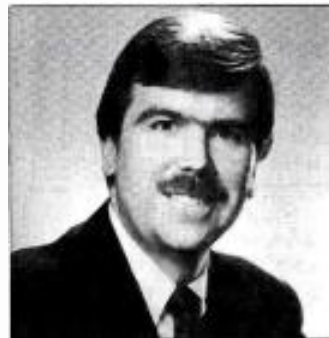
WNET-TV New York announced last week election of **Walter Cronkite** to public TV station's board of trustees. Cronkite, who is resigning from CBS board ("Closed Circuit," March 28), will be joining board at same time as two other new members: former opera singer, Beverly Sills Greenough, and George D. O'Neill, president of Meriwether Capital Corp., New York investment firm.

GVG'S NEW PRESIDENT

Robert L. Wilson started last week as president of the Grass Valley Group, Grass Valley, Calif., manufacturer of video effects systems, switchers and other television production equipment. GVG is one of the most profitable subsidiaries of Tektronix Inc., Beaverton, Ore.

GVG was believed to be the subject of acquisition talks between Sony Corp. and Tektronix in 1990. "I think that decision [not to sell] had been made some time ago, but certainly my coming here should put those rumors to bed. I wouldn't have come here if Tek really believed that was a viable strategy," Wilson said. Tektronix's TV equipment companies are "one of the bright areas. Otherwise, the company's got some problems. Television for Tek is critical."

Wilson joins GVG from a vice president's position at the Merchant Banking Group of Wasserstein, Perla & Co., New York. He was a vice president at Ampex Corp., Redwood City, Calif., from 1983 to 1988. He succeeds Lawrence R. Kaplan, Tektronix vice president, television systems, who has been acting GVG president since last November.



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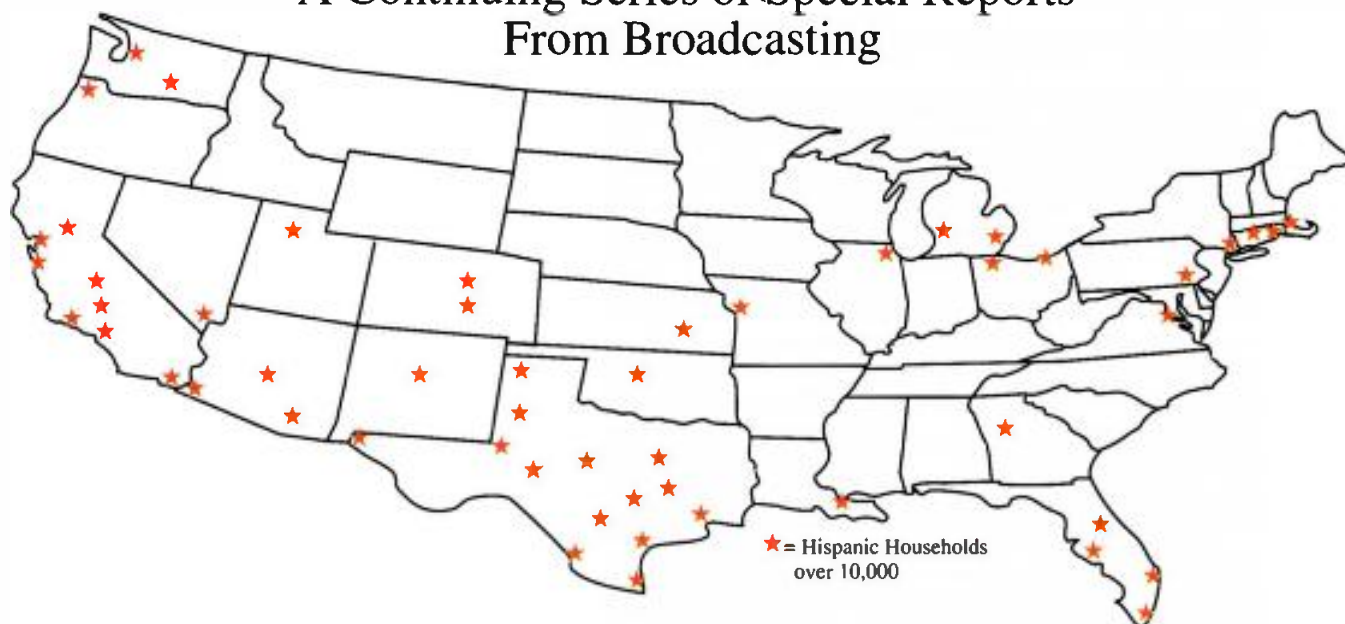
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TELEVISION / 39

NBC wins prime time by feather; Carlin upped at Warner

RADIO / 44

Stations giving listeners news on Gulf war fared best in winter Arbitrons

CABLE / 50

Hearst plans cable news channel covering California

BUSINESS / 54

Durham Corp. sells its five stations to group that will spin off properties



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Meridian	
Ottumwa*	
Alpena	

OF HOT NUMBERS.

Stn/Aff	T.P.	February 1990 Programming	% Increase	
			Adults 18-49	Adults 25-54
KNBC/N	7:30PM	Hard Copy	+ 15%	+ 0%
WMAQ/N	6:30PM	Hard Copy	+ 57%	+ 71%
WHDH/C	4:30PM	Hard Copy	+ 17%	+ 22%
KDFW/C	6:30PM	Hard Copy	+ 29%	+ 40%
WJBK/C	7:00PM	Family Feud	+ 0%	+ 7%
KSTP/A	11:00PM	Hard Copy	+ 133%	+ 140%
KTVI/A	4:30PM	Geraldo	+ 53%	+ 53%
KTVK/A	11:00PM	Hard Copy	+ 69%	+ 225%
WVIT/N	7:30PM	Hard Copy	+ 57%	+ 67%
KCTV/C	11:00PM	Pat Sajak	+ 267%	+ 243%
KSAT/A	4:00PM	Hard Copy	+ 77%	+ 36%
WLOS/A	5:00PM	Donahue	+ 108%	+ 69%
WVTM/N	6:30PM	Hard Copy	+ 6%	+ 9%
WTVX/I	5:00PM	Kojak	+ 433%	+ 167%
KOB/N	3:30PM	Divorce Court	+ 39%	+ 80%
WJXT/C	11:30PM	Pat Sajak	+ 133%	+ 92%
WSMH/F	7:00PM	Hard Copy	+ 31%	+ 64%
WKRQ/C	4:00PM	Geraldo	+ 40%	+ 45%
WFRV/A	11:30PM	Win-Lose-Draw	+ 129%	+ 92%
WOI/A	11:00PM	Nightline	+ 33%	+ 20%
KTBC/C	4:00PM	Hard Copy	+ 63%	+ 56%
WSIL/A	11:30PM	Trial By Jury	+ 160%	+ 117%
WCIA/C	11:30PM	Ent Tonight	+ 15%	+ 6%
KAYU/F	6:30PM	Benson	+ 56%	+ 150%
KTTU/I	11:30PM	Various	+ 71%	+ 600%
WFTX/F	5:00PM	Crimewatch Tonight	+ 67%	+ 52%
WILX/N	5:30PM	Hard Copy	+ 18%	+ 34%
KNTV/A	6:30PM	Hard Copy	+ 31%	+ 12%
KCOY/C	7:30PM	Hard Copy	+ 63%	+ 60%
KADN/F	6:30PM	Andy Griffith	+ 167%	+ 150%
NTLH/F	7:00PM	Magnum	+ 117%	+ 133%
KOLO/A	5:00PM	Hard Copy	+ 125%	+ 86%
NXTX/F	7:30PM	A Team	+ 225%	+ 100%
KLSR/F	6:30PM	Hard Copy	+ 33%	+ 50%
KETK/N	4:00PM	Geraldo	+ 6%	+ 36%
KZTV/C	6:30PM	Who's The Boss	+ 0%	+ 42%
VDIO/A	4:30PM	Hard Copy	+ 65%	+ 54%
VQRF/F	11:00PM	Bob Newhart	+ 84%	+ 84%
SWO/A	4:30PM	A Current Affair	+ 44%	+ 18%
VCBI/C	5:00PM	Hard Copy	+ 100%	+ 106%
LBK/C	10:30PM	Hard Copy	+ 100%	+ 107%
VGEM/N	5:00PM	People's Court	+ 12%	+ 15%
VABI/C	5:00PM	Third Degree	+ 56%	+ 47%
VUTR/A	5:00PM	Hard Copy	+ 194%	+ 567%
VJHG/N	4:00PM	Hard Copy	+ 68%	+ 12%
VTZH/C	5:00PM	Inside Report	+ 25%	+ 0%
OIA/F	6:30PM	Hard Copy	+ 43%	+ 257%
VBKB/C	7:30PM	Hard Copy	+ 100%	+ 25%

Source: NSI (*ARB) Feb. 1991 Time Period vs. Feb. 1990, based on shares.

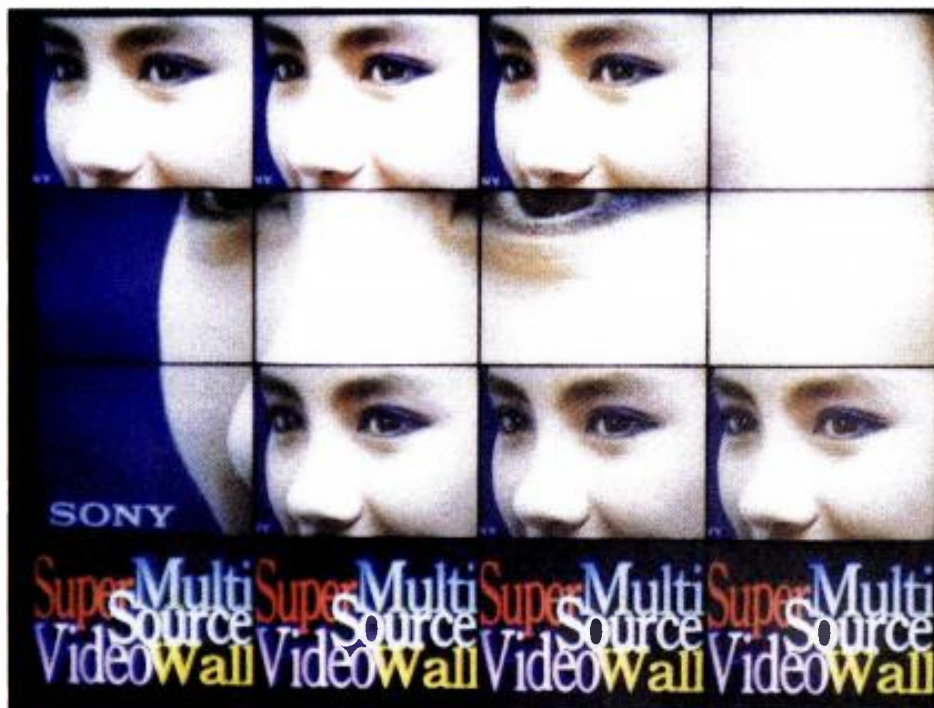


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THIS WEEK



Seeing the future: Attendees of the NAB's Las Vegas convention were greeted with this vision of a high-definition future. (Coverage of this year's event begins on page 19.)

19 / NAB '91

Digital audio broadcasting and NAB's first HDTV World Exhibition, featuring the latest in transmission and electronic production technologies (page 33), were among the highlights of the National Association of Broadcasters convention in Las Vegas. Attendance of both domestic and foreign registrants was up, and controversy was plentiful: Capital Cities/ABC Chairman Thomas Murphy called the FCC's fin-syn decision a "Trojan horse" (page 22) and concerns were expressed that infighting among the FCC commissioners over fin-syn will cause Congress to lose confidence in the agency. **BROADCASTING'S Special Report** on the

convention begins on page 27.

20 / BROADCASTERS' DAB RIFT

Factions emerged at the NAB convention over future implementation of digital audio broadcasting. One side, led by the NAB and AM broadcasters, favors putting DAB in a new band, preferably the L-band. On the other side: major FM broadcast groups supporting "in-band" alternatives—methods for delivering digital audio over the FM band.

23 / NHK TO TAKE ON CNN

The head of Japan's powerful noncommercial broadcasting service, NHK, told reporters at the

NAB convention that the 24-hour-a-day Global News Network will debut "within the year" as a partnership of NHK and European and U.S. broadcasters to compete with Turner Broadcasting System's CNN.

23 / NAB POLITICKING

All the action at last week's NAB convention in Las Vegas wasn't on the exhibit floor or at the gaming tables. Behind-the-scenes politicking for a seat on NAB's executive committee was one of the liveliest games around.

25 / NAMING NAMES

After a 36-hour debate, NBC News identified the

alleged victim of a rape at the Kennedy family retreat in Palm Beach, Fla., in its *Nightly News* broadcast. The move sparked a nationwide debate on whether the decision was correct and raised the question of whether Florida's 1911 law banning public identification of victims of alleged sexual assaults will be used to prosecute media organizations that named the woman (page 88).

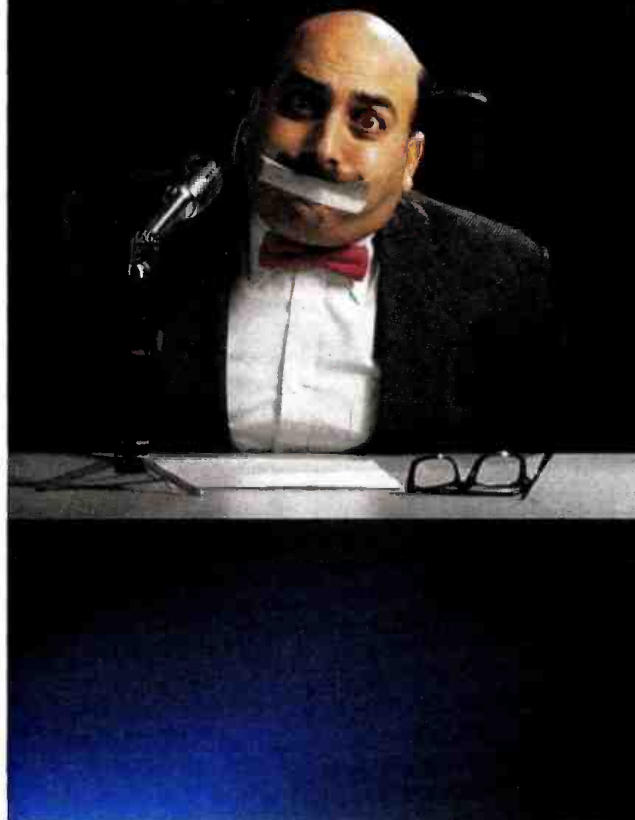
39 / NETWORK WINNINGS

In the closest network prime time race in 25 years, NBC won a narrow victory for the 1990-91 season by just two-tenths of a rating point over ABC, and four-tenths of a point

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over CBS in households. In the demographic tallies, however, there was no clear cut winner.

40 / GRADING THE PROSPECTS

The current network development pool has been described by an advertising agency development report as a return to traditional concepts and formats, "lacking any breakthrough ideas or 'wowee' premises."

40 / WARNER CHANGES

In a major restructuring of Warner Bros. Domestic Television Distribution's syndication divisions, Scott Carlin has been given control of the off-network sales division and will continue to head the first-run sales division as senior vice president of sales.

44 / WINTER RATINGS

News and information formats reaped the benefits of war during the 1991 Arbitron winter survey. Just-released results for some of the top 10 markets show big increases in New York, Los Angeles and Chicago.

48 / MURDER HOAX

FCC Chairman Al Sikes has asked the Mass Media Bureau enforcement division to review the allegation that KROQ(FM) Los Angeles was in violation of commission policies when it broadcast a faked murder confession.

48 / SHOPPING FOR RADIO

Kroger supermarkets in Atlanta are targeting the market with radio. The supermarket chain is pulling all of its television money



Among those attending annual presentation of Ohio State Awards were former OSU professor I. Keith Tyler, who founded awards in 1936, and his wife, Margaret, also former OSU professor (page 66).

for the second and third quarters and focusing on radio, outdoor and newspaper advertising.

50 / CALIFORNIA DREAMS OF CABLE NEWS

Hearst is developing plans for a California cable news channel, looking for support from cable MSO's and possibly other media companies. Cox Enterprises is also said to be thinking about starting a similar service.

51 / TURNER LOOKS TO FILL AIRPORT NICHE

Turner Broadcasting will start testing The Airport Channel, a version of CNN Headline News designed for airline gates, in June, and plans a full rollout starting in the fourth quarter.

52 / CABLE TAX

In a setback to the cable industry, the U.S. Supreme Court, in a 7-2 decision, has ruled that a sales tax on cable service imposed by the state of Arkansas does not discriminate against the medium or violate its First Amendment rights.

54 / COMPLEX DURHAM DEAL

After FCC approval, the buyers of Durham Life Broadcasting's two AM-FM combos and one television station will spin-off the properties into

separate groups. The acquiring group—Financial Securities Fund Acquisition Corp.—is made up of Bev Landstreet, president of Nashville-based Financial Securities Advisors, Don Curtis, a North Carolina-based broadcaster, and Jack Bailey, a North Carolina-based investor. Curtis is president of Great American Media Inc.

55 / BIG BROTHER IS COMPETING

In what may be a first, the federal government is operating a commercial television station. WCVX(TV) Vineyard Haven, Mass., a UHF independent licensed to

Cape Cod Television Inc., is now in the hands of the Resolution Trust Corp. (RTC), a government operation that sells off assets for failed savings & loans.

62 / TOUGH ACT TO FOLLOW

The FCC has adopted rules requiring that by July 1, 1993, television sets 13 inches or larger manufactured or imported to the U.S. have built-in circuits capable of decoding closed-captioned transmissions. The commission rules implement the Television Decoder Circuitry Act of 1990.

66 / OSU AWARDS

The Ohio State University's Institute for Education by Radio-Television has honored 68 radio and TV stations with the 1991 Ohio State Awards for excellence.

Founded in 1931 as *Broadcasting*, the News Magazine of the Fifth Estate, *Broadcasting-Television** introduced in 1946. *Television** acquired in 1961. *Cablecasting** introduced in 1972. *Broadcasting/Cable* introduced in 1989. *Reg. U.S. Patent Office. Copyright 1991 by Broadcasting Publications Inc. Incorporating

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INDEX

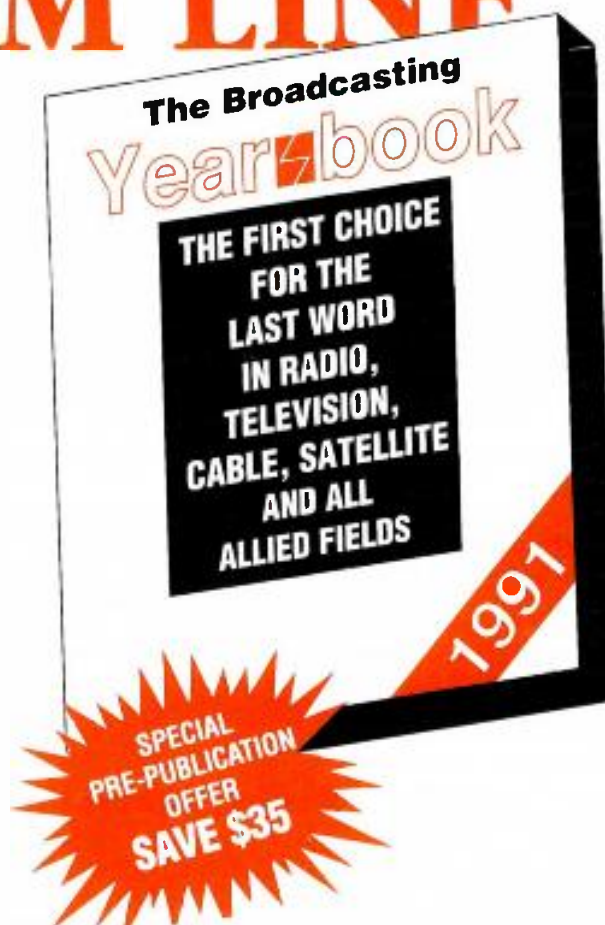
Advertisers Index.....	86
Business.....	54
Cable.....	50
Changing Hands.....	56
Classified Advertising.....	76
Closed Circuit.....	8
Datebook.....	10
Editorials.....	90
Fates & Fortunes.....	83
Fifth Estate.....	87
Focus on Finance.....	58
For the Record.....	69
In Brief.....	88
Media.....	66
Musthead.....	15
Monday Memo.....	16
Open Mike.....	14
Programming.....	39
Radio.....	44
Satellite.....	60
Special Report.....	27
Top of the Week.....	19
Washington.....	62

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CLOSED CIRCUIT

WASHINGTON

Matter of decrees

Fin-syn watchers expect Hollywood to make its next move on Capitol Hill when Justice Department officials within next month or so come before Judiciary Committee Chairman Jack Brooks (D-Tex.), staunch ally of Hollywood, not to mention friend of Motion Picture Association of America's Jack Valenti. Speculation is Brooks will lean on Justice not to accede to modification of consent decrees, which mirror current fin-syn restrictions. If networks are to take advantage of any opportunities in new fin-syn rules, decrees have to be repealed or modified to conform with them. Justice is predisposed toward relaxation or repeal, having argued at FCC for repeal of rules.

To settle antitrust suits brought against networks by Justice in mid-1970's, networks entered into consent decrees in federal district court in Los Angeles. Final determination on whether decrees will be changed will be up to presiding judge, Robert J. Keleher. Networks have yet to petition for change in decrees, will probably wait until after FCC issues fin-syn order detailing new rules (see below).

LIFETIME LOOKS AT 'BEACH'

Off-network sale of *China Beach* to Lifetime may be in offing. Warner Bros. domestic syndication and pay-TV divisions are reportedly talking with cable network about possibility. Talks also include basic cable network participation in cable/broadcast consortium buy of Warner's *Volume 30* movie package (with Chris-Craft and Gaylord station groups), according to several sources. Sources say Lifetime is close to finishing licensing deal at \$100,000 per episode for *Beach*. Lifetime has been past Warner Bros. customer with off-network *Hotel* and earlier movie package. Lifetime spokeswoman confirmed that network is "talking" movie package deal and that talks "include" *China Beach*, but added that Warner is shopping movie package to several station groups. Year ago, Lifetime bought 20-title, non-syndication movie package from Warner Bros., while studio sold 22-title *Volume 29* (including "Batman" and "Lethal Weapon II") in syndication. New spin on *Volume 30* deal would have Lifetime picking up female-oriented features and Chris-Craft and/or Gaylord picking up male-skewing action/adventure films. Tribune official also indicated Tribune Broadcasting's stations (including superstation WGN-TV Chicago) and acquisitions partner, superstation WTBS, are players for package.

Deadline

Although backroom lobbying continues apace on fin-syn, nothing much is likely to happen in terms of reconsideration, stays or consent decrees until FCC issues its order detailing rules and supplying legal rationale for them. Having last Thursday received final version of rules and rationale from three commissioners who voted for them April 9, FCC Mass Media began work on full-blown report and order. But bureau officials were not promising when work would be completed. Deputy Chief Bill Johnson said he hopes it will be out by May 8, when Fox's one-year fin-syn waiver expires. "If it doesn't come out by then, that's a real goof up," he said.

Deadline, take two

FCC Mass Media Bureau has received order from chairman's office to have cable "effective competition" item ready for May 9 meeting. According to one FCC official, bureau was also told to make major changes in it. Among them: drop "good actor" element and revise six-signal standard by either revising penetration test or replacing it with some other measure of signal reach in market.

On the record

Although he would like to see some revisions, Republican Senator Larry Pressler (S.D.) will support cable re-regulation bill. That is what he told private gathering at National Association of Broadcasters last week. Pressler is one of three Republicans (John Danforth [Mo.] and Slade Gorton [Wash.] are others) who do not share administration's view that reregulation is wrongheaded and that competition is way to deal with cable.

Good news, bad news

FCC Commissioner Andrew Barrett had lots of nice things to say about FCC Chairman Alfred Sikes in speech to lawyers at NAB convention last week. But he is not completely happy with chairman. One measure of leadership is ability to maintain "harmonious" atmosphere for decisionmaking, Barrett said. Sikes failed in that respect by not curtailing "backbiting and backstabbing" by members of his personal staff during heat of fin-syn battle, he said without elaborating.

Trimming time?

Although reshuffling at USIA has so far been limited to few top posts, upper level managers and political appointees are beginning to feel nervous that change is heading their way as well. Seems that Henry Catto, President Bush's nominee to succeed Bruce Gelb as USIA director, is expected to run agency more like communications company than government agency. That means fat will be trimmed, and some inside USIA say there's no shortage of it.

ALTOONA

Power to the GM's

NATPE International Chairman Rick Reeves sent letter to general managers last week giving them opportunity to change designation of who at station should be voting member of NATPE. Reeves, who is general manager of WTAJ-TV Altoona, Pa., has been out-



The stars were out at the Museum of Television and Radio's April 11 fundraising dinner held at the Waldorf-Astoria in New York. Among the notables attending the gala, which raised close to \$1 million for a new building, were (pictured, above left) Larry King, Douglas Fairbanks Jr., Walter Cronkite and Don Hewitt and (above right) Mary Tyler Moore, Loretta Young and Kit-



ty Carlisle Hart. Frank Bennack Jr., president and chief executive officer of the Hearst Corp. and chairman of the Museum's board of trustees, announced that the Museum's new building will be called The William S. Paley Building, in honor of the late CBS chairman and the Museum's founder. The new building opens in New York, September 12.

spoken in his suggestion that general managers, rather than program directors, have become ultimate program decisionmakers and that that fact should be reflected on board, subject he broached at NATPE convention in New Orleans (BROADCASTING, Jan. 21). One program director says "brouhaha" is shaping up for NATPE's spring board meeting in Los Angeles, May 3-5.

In letter, Reeves said NATPE estimates that 48% of voting members are general managers, while remaining 52% majority votes are in hands of program directors. Reeves said: "I recognize that in today's world of program pricing that requires approval, in some cases all the way to the board level, the program director if he/she was, may no longer be decisionmaker. We want to be certain that your designee has been selected appropriately."

Reeves said he would be surprised if further action were taken beyond giving GM's chance to change designation, but board could set up committee to study issue and put any amendments to bylaws to vote at full business meeting at next January's NATPE convention in New Orleans.

NEW YORK

Wrong place

Don't look for Television Bureau of Advertising to sponsor high-profile event at next year's National Association of Broadcasters convention. After

poor attendance at last week's session (see story, page 30), TVB President Jim Joyella has tentatively concluded that convention is probably not right forum. Joyella does not necessarily blame station executives for failure to attend session, scheduled for second to last day of convention, noting that few are likely to stay for entire convention, especially in present era of budgetary constraint.

LOS ANGELES

Road to recovery

Former CBS News President Fred Friendly is recuperating from gall bladder surgery in Los Angeles last week. Friendly, 75, was in California for series of seminars including taped roundtable on free speech last week when, experiencing faintness and chest pains, he checked into Cedar-Sinai Medical Center. Friendly on Friday told BROADCASTING he was recuperating and planned to be back in New York by today. The roundtable, *Safe Speech, Free Speech and The University*, will air on PBS stations on June 6.

DAYTON

New buyer

New buyer for Summit Broadcasting's WTUE(AM)-WONE(FM) Dayton, Ohio, will be Frank Wood, former president and CEO of Jacor Communications. Wood stepped in after Summit's sale of stations to Lakeshore Com-

munications fell through. Price is likely in \$10 million range and deal will be filed at FCC in few weeks.

DENVER

No windfall

SportsChannel America will likely only pick up 150,000 Tele-Communications Inc. cable subscribers through its corporatewide agreement (still uncompleted) with MSO to carry SCA's coverage of NHL Stanley Cup games.

Although NHL coverage is available to about 3.5 million TCI homes, beyond carriage in St. Louis and Madison, Wis., TCI systems, "I don't suspect we will get much more participation," said Darin Miller, director of business development, TCI Sports. Miller said there is simply not much interest in sport outside hockey markets, adding that "lack of TV exposure over past several years has hurt the demand for hockey."

BUDAPEST

Eastward ho

National Association of Broadcasters is considering possibility of sponsoring conference in Budapest and Prague next June in conjunction with its proposed June 1992 Montreux radio symposium and exhibition. NAB is taking delegation of radio and TV executives to London and Paris this fall to meet with Western European broadcasters and would like to sponsor expedition to Eastern Europe.

DATEBOOK

■ Indicates new listing or changed item.

THIS WEEK

April 19-28—Worldfest/Houston International Film and Video Festival. Festival theaters: Greenway Plaza, AMC Greenway III Theaters, Museum of Fine Arts and Rice Media Center. Festival Hotel: Wyndham Warwick, Houston. Information: (713) 965-9955.

April 21-23—Broadcast Cable Financial Management Association, and subsidiary Broadcast Cable Credit Association. 31st annual conference. Theme: "Breakthrough Performance: Lights! Camera! Innovation!" Century Plaza, Los Angeles. Information: (708) 296-0200.

April 19-24—MIP-TV, international television program market. Palais des Festivals, Cannes, France. Information: (212) 750-8899.

April 20—Communications Career Day, sponsored by American Women in Radio and Television, Washington chapter. U.S. Chamber of

Commerce's BizNet studios, Washington. Information: Kristine Barr. (202) 463-5700.

April 21-24—Broadcast Financial Management Association 31st annual convention. Century Plaza, Los Angeles. Information: (708) 296-0200.

April 22-25—National Computer Graphics Association 12th annual conference and exposition. McCormick Place North, Chicago. Information: (703) 698-9600.

April 23—International Radio and Television Society newsmaker luncheon. Panel: Robert Alter, Cabletelevision Advertising Bureau; Tom Burckhill, Lifetime; Scott Sessa, Turner Entertainment Networks; Tom Freston, MT Networks; Charles Dolan, Cablevision Systems, and Don Mitzner, Group W Satellite Communications. Waldorf-Astoria, New York. Information: (212) 867-6650.

April 23—Seminar featuring presentation of findings of 1991 U.S. Hispanic Market to Advertisers, Agencies and Media, by Strategy Research Corp. Marriott Marquis, New York. Information: (305) 649-5400.

April 24—International Radio and Television Society Gold Medal Award dinner. Recipient: Frank Bennack Jr., president-CEO, Hearst Corp. Waldorf-Astoria, New York. Information: (212) 867-6650.

April 24—"The Future of Investigative Journalism," drop-in luncheon sponsored by National Academy of Television Arts and Sciences, New York chapter. Speaker: Pamela Hill, vice president-executive producer, CNN Special Assignment. Copacabana, New York. Information: (212) 768-7050.

April 24—Speech by production manager Gene Consentino, sixth in series, "Getting Into the Business," sponsored by Center for New Television. 912 South Wabash, Chicago. Information: (312) 427-5446.

April 24—"Cameras in the Courtroom," panel sponsored by Association of the Bar of the City of New York. Meeting hall of the association, 42 West 44th Street, New York. Information: (212) 382-6600.

MAJOR MEETINGS

April 19-24—MIP-TV, international television program marketplace. Palais des Festivals, Cannes, France. Information: (212) 689-4220 or 750-8899.

April 21-24—Broadcast Cable Financial Management Association 31st annual convention. Century Plaza, Los Angeles. Future conventions: April 22-25, 1992, New York Hilton, New York, and April 28-30, 1993, Buena Vista Palace, Lake Buena Vista, Fla.

May 15-18—American Association of Advertising Agencies annual convention. Greenbrier, White Sulphur Springs, W.Va.

May 15-19—Annual public radio conference, sponsored by National Public Radio, Sheraton, New Orleans.

May 16-19—American Women in Radio and Television 40th annual convention. Omni Hotel, Atlanta. Future convention: May 27-30, 1992, Phoenix.

May 22-23—NBC-TV annual affiliates meeting. Marriott Marquis, New York.

May 29-31—CBS-TV annual affiliates' meeting. Waldorf Astoria, New York.

June 7-11—American Advertising Federation national advertising conference. Opryland, Nashville.

June 8-11—1991 Public Broadcasting Service meeting. Walt Disney World Dolphin, Orlando, Fla. Information: (703) 739-5000.

June 11-13—ABC-TV annual affiliates meeting. Century Plaza, Los Angeles.

June 13-18—17th International Television Symposium and Technical Exhibition. Montreux, Switzerland.

June 16-19—Broadcast Promotion and Marketing Executives & Broadcast Designers Association annual conference. Baltimore Convention Center, Baltimore. Information: (213) 465-3777.

June 18-21—National Association of Broadcasters summer board meeting. NAB headquarters, Washington.

July 11-13—Satellite Broadcasting and Communications Association trade show. Opryland, Nashville.

July 24-27—Cable Television Administration and Marketing Society annual conference. Opryland, Nashville.

Aug. 25-27—Eastern Cable Show, sponsored by Southern Cable Television Association. Atlanta.

Sept. 11-14—Radio '91 convention, sponsored by National Association of Broadcasters. Moscone Convention Center, San Francisco.

Sept. 24-29—National Black Media Coalition annual conference. Hyatt Regency, Bethesda, Md.

Sept. 25-28—Radio-Television News Directors Association international conference and exhibition. Denver.

Oct. 1-3—Atlantic Cable Show. Atlantic City Convention Center, Atlantic City, N.J. Information: (212) 673-9166.

Oct. 3-6—Society of Broadcast Engineers fifth annual national convention. Houston. Information: 1-800-225-8183.

Oct. 10-14—MIPCOM, international film and program market for TV, video, cable and satellite. Palais des Festivals, Cannes, France. Information: (212) 689-4220.

Oct. 26-29—Society of Motion Picture and Television Engineers 133rd technical conference and equipment exhibit. Los Angeles. Future

conference: Nov. 10-13, 1992, Metro Toronto Convention Center, Toronto.

Oct. 27-30—Association of National Advertisers 82nd annual convention. Bltmore, Phoenix.

Nov. 18-20—Television Bureau of Advertising annual meeting. Las Vegas Hilton, Las Vegas.

Nov. 20-22—Western Cable Show, sponsored by California Cable TV Association. Anaheim Convention Center, Anaheim, Calif.

Nov. 23-25—LPTV annual conference and exposition, sponsored by Community Broadcasters Association. Riviera Hotel, Las Vegas.

Jan. 7-10—Association of Independent Television Stations annual convention. San Francisco.

Jan. 20-24, 1992—29th NATPE International convention, New Orleans Convention Center, New Orleans.

Jan. 25-29, 1992—49th annual National Religious Broadcasters convention. Washington. Information: (201) 428-5400.

Feb. 7-8, 1992—26th annual Society of Motion Picture and Television Engineers television conference. Westin St. Francis Hotel, San Francisco.

Feb. 26-28, 1992—Texas Cable Show, sponsored by Texas Cable TV Association. San Antonio Convention Center, San Antonio, Tex.

■ **April 13-16, 1992**—National Association of Broadcasters 70th annual convention. Las Vegas Convention Center, Las Vegas. Future convention: Las Vegas, April 19-22, 1993.

May 3-6, 1992—National Cable Television Association annual convention. Dallas. Future convention: June 6-9, 1993, San Francisco.

July 2-7, 1992—International Broadcasting Convention. RAI Center, Amsterdam. Information: London—44 (71) 240-1871.

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OPEN MIKE

LPTV LAMENT

EDITOR: It is unclear to me what Congress and the FCC's definition of "effective competition" is. I wonder if they know the meaning of open marketplace, monopoly, good actor, etc.

I own and operate a so-called "low power" TV station. The only thing low about my station is the negative connotation imparted by people who are worried about competition. Oh, I forgot what else is low about my station: revenue. Low revenue not because my station's signal can't be received by more than a million homes, or because of bad programming (we have great programming), but because I am in a market where cable TV (you know, that fledgling industry that has been deregulated since 1984) is king.

Cable has hit near 70% penetration and is still growing, like cancer. My station is larger than 75% of all the full-power stations. We reach more than a million homes with our signal. Sorry, I mean my signal passes through the walls of a million homes that for the most part are hooked up to cable.

The cable industry in southern New Jersey consists of only a few giant MSO's. None of these will allow my station access. I requested carriage of my station numerous times. The local managers always said there was no room, but passified me with hopes of future carriage. Somehow, they all found room for new cable services.

I had dreams of local programming and a competitive news operation, but I couldn't sustain the expense of a news operation without advertisers, and I couldn't get advertisers until I was on cable, so I had to lay my staff off.

At last I found what I was looking for, something that would save my station—Section 612 of the 1984 Cable Act, which says that a cable system with 36 channels has to reserve 10% of its channel capacity for commercial lease use and establish a reasonable rate for the lease of a channel.

I started negotiating with the cable systems in my coverage area for a channel under Section 612. Most of the lawyers for the systems had never heard of the section. A reasonable rate to lease a channel on one of two co-owned systems, both about the same size, was

\$2.1 million a year. The other, \$1.7 million a year. Another system about five times larger than the other two was a bargain at \$3.9 million. The majority of the remaining smaller systems quoted prices that were not as extreme, but nevertheless excessive.

After negotiating for over a year, I learned that one MSO is charging a local video producer about 3 cents per subscriber to lease a channel, and that it previously leased to another video producer at a similar rate. I again requested to lease a channel, asking to be charged the same rate as the current and previous leasees. I have gotten no response.

When I can't even buy my way into this monopoly, my station is really left in the lurch. Do the Congress and the FCC still consider cable a fledgling industry that needs protection? I believe cable is the Mother of all Monopolies, far exceeding Ma Bell. If Congress and the FCC do not take action against this anticompetitive industry in short order, the scuds of cable will leave not only my station, but small full-power stations, a memory in the minds of the American public.—*Paul V. Engle, president, South Jersey Television Inc., Hammon-ton, N.J.*

SECONDS THE MOTION

EDITOR: My hat is off to Dan Patrick for his April 8 "Monday Memo" on clear channel AM's.

For years, this company has led the campaign within the industry and at the FCC to do something about Class I AM stations and their domination of the nighttime airwaves. In January of 1988, we petitioned the commission to delete protection to the 0.5 mV/m 50% skywave contour of these stations, and to use 50% skywave field in lieu of 10% skywave field to determine the nighttime permissible interfering signal to a Class I signal on the same channel. This petition was backed up with an exhaustive engineering study showing the percentage of the U.S. populous that must rely on Class I skywaves for its nighttime radio service. This was found to be 0.6%.

The FCC, when it read our petition, responded by saying that while it had merit, the subject of the proposal was not on its agenda. The petition was sum-

marily dismissed.

Mr. Patrick has it right. The entire AM broadcast industry should not suffer for the sake of a very few Class I stations. Likewise, the entire potential AM nighttime listening audience should not be made to suffer for the sake of 0.6% of the populous. The FCC must include such considerations in its AM improvement program.—*W.C. Alexander, director of engineering, Crawford Broadcasting Co., Dallas.*

FM NEEDS HELP TOO

EDITOR: The April 8 "Monday Memo" by Dan Patrick, president of KSEV(AM) Houston, could very well apply to Class A FM stations, many of which suffer severe interference from the 50,000 w Class B giants.

AM stations actually have the advantage as far as interference is concerned, as they usually have clear sailing during the daylight hours. With FM, it is constant interference day and night, and the problem is usually attributed to adjacent channel Class B stations that were encouraged by the FCC to increase their power to the limit of the law regardless of the effect on smaller stations. In our case, for instance, a station in Atlantic City causes severe interference in our city of license during temperature inversions.

As most broadcasters know, Class A stations were in the news in their attempt to double power from 3,000 w to 6,000 w. Many stations were allowed the power increase, but those stations in metropolitan areas—the stations needing a power boost the most—were denied the chance and must be content to stay as is with no opportunity whatever to upgrade.

An adjacent channel station 70 miles distant is permitted a power increase to 50,000 w. The small station involved has 3,000 w or the equivalent thereof and, apparently, the FCC believes that 6,000 w would be devastating to the larger station. Common sense alone would tell anyone that the larger station, 44,000 w more powerful, has every advantage in this situation. However, the 6,000 w station would at least have a chance in its own coverage area with the increase.

Another thought in this regard is radi-

ation. Just how harmful is radiation from high-powered stations? Even with our low power, we had a lot to prove to the FCC that our situation is harmless. This was for our license renewal. Radiation could be reduced considerably if, for instance, all of the 50,000 w AM and FM stations cut back to 10,000 w. It would reduce radiation and interference and the AM and FM bands would have a good clean sound.

The AM clean-up situation should definitely be extended to the FM band. Contrary to National Association of Broadcasters recommendations, it is high time for a drastic change in FCC regulations with an eye toward better reception on AM and FM. Also, an end to the favoritism in the direction of the big buck broadcasters.—*Doug Henson, general manager, WIBF(AM) Jenkintown, Pa.*

F FOR EFFORT

EDITOR: Your April 15 editorial "All Wrong" decries the Children's Television Act as "a prescription for a phantom illness." You've got to be kidding! Do you really mean to suggest your editors believe that the commercial television industry is providing a rich array of worthwhile programming for children, and that Congress just hasn't noticed? Or does this assertion indicate you simply don't think that providing educational/informational programming for children is in the public interest broadcasters are licensed to serve?

The fact is that commercial broadcasters have never done an adequate job of programming for children, even after being placed on formal notice of industry-wide shortcomings repeatedly by the FCC. Each time this occurred, broadcasters knew the commission wouldn't play hard ball with content-based issues, and they were right. So even though most stations made no effort at all to deliver any educational content, nothing was done—until now. The industry has no one but itself and its own past performance (or lack thereof) to blame for its regulatory fate.

Instead of complaining, broadcasters (as well as the nation's children) will be better served by concentrating their efforts on the need to take seriously the new children's programming obligation. Rather than promoting such an approach, your editorial frets about how much a 30-second PSA or a 60-second educational drop-in will count toward fulfilling the new requirement. In other words, the focus remains on how little can be done and still comply.

It's this type of thinking that's symptomatic of the long-standing failure to do what needs to be done—developing some

strong educational and entertaining children's programming. Wake up and get to work!—*Dale Kinkel, PhD, assistant professor of telecommunications, Indiana University, Bloomington.*

POP OR NON-POP?

EDITOR: Your European correspondent, Meredith Amdur, was reasonably fair in her March 25 article "UK Independent Radio Goes National, But No Pop," but I would like to add our view at the Radio Authority.

Mr. Brian West, director of the commercial radio trade association (AIRC) is quoted as saying that by allocating the only FM channel that is available to a non-pop service the authority has "screwed it up," and by not making it possible for a "pop" service to gain this attractive medium we have ensured that INR 1 (as we call it) will not succeed.

The members of the Radio Authority deliberated carefully and with all the facts at hand. It is obvious that a pop service would do well. However, two other factors had also to be considered. First, the authority's remit from government is to widen listener choice. In the UK today we have plenty of "pop" but no popular classical music or easy listening national service. Second, having been mandated to provide a non-pop service, and recognizing that it is likely to be less popular than some other formats, it is not unreasonable to give it the best chance to succeed, and particularly to offer the channel which best caters for the dynamic range of the program service.

We recognize there are other points of view but I wanted to make clear that the authority is aware of all of them and to explain part of our reasoning.—*Peter Baldwin, chief executive, The Radio Authority, London.*

LEVEL PLAYING FIELD?

EDITOR: I am still amused thinking about the overcharged and unhappy political candidates who thought they had a "brother-in-law" deal with every radio and TV station (automatic "clout" by decree of the elite). If the sales managers got rates that were higher than Section 315 intended, many probably did so because it was a free market's natural way of dealing with a rule so abjectly unfair to the stations.

Why should the politicians be exempt, anyway? They should get out there in the open marketplace like the rest of us advertisers. Instead of oppressive regulation, the smart candidate should want a good rate negotiator.—*Timothy J. Scanlan, president, Evergreen Media Inc., Mountlake Terrace, Wash.*

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MONDAY MEMO

A foreign ownership commentary from Gary L. Christensen, consultant, Arlington, Va.

Melanie Griffith, playing an aspiring investment banker in the movie "Working Girl," advised a client to buy radio stations to thwart a Japanese raider's hostile takeover attempt. Her ingenious defense landed her a job with a window office—and pointed out the main use for Section 310(b) of the Communications Act: an outdated barrier to foreign competition.

The statutory prohibition against alien ownership of broadcast stations, originally intended to protect against foreign control of domestic airwaves in wartime, now serves as an anachronistic obstacle to global competition. The law does not merely effect esoteric international trade relations, it also stymies broadcasters in their search for risk capital during financial crises. To alleviate this condition, and to promote the international flow of capital, Congress should change the law to permit carefully structured alien ownership of broadcast stations.

Many broadcasters do not relish foreign competition, but they do need more cash. The media face an unprecedented liquidity problem. Right now, the broadcast industry's financial markets are dysfunctional. Declining advertising revenues, heightened regulatory scrutiny of bank lending and increasing competition are forcing broadcasters to find alternative sources of capital, cut back or go under.

As one real investment banker, Steven Rattner of Lazard Freres & Co., told the *New York Times* about the media financial markets: "It's a little hard to imagine it getting any worse.... Basically, there is a zero level of activity right now." With a barrier on the influx of foreign capital, broadcasters face a challenge like no others. When other industries reach bottom, sellers have an escape valve. Distressed real estate operators call it the "Tokyo takeover." Many foreign investors have extra cash, invest for the long term and accept relatively low rates of return. Unlike the owner of apartment buildings, however, a broadcaster cannot sell a slow producer to a more patient Japanese or European investor.

The financial crisis affects more than asset values. With cutbacks in news departments and program investment, and a growing number of media insolvencies, financial distress is impairing the broadcast industry's ability to serve the public



interest. Restrictions on foreign ownership unnecessarily limit viewers' and listeners' program choices.

Now is a good time to loosen Section 310(b)'s chokehold on the broadcast industry. U.S. trade negotiators are seeking to pry open foreign markets in the GATT negotiations. The National Telecommunications and Information Administration is studying the globalization of the media. The dollar is falling against some foreign currencies. To alien investors, domestic assets appear cheaper every day.

There is no good reason for Section 310(b) to remain on the books in its current form. The diversity of media voices negates the policy rationale for Congress to ban significant foreign equity investment in radio and television stations. Indeed, foreigners can invest in wire-based telephone companies, cable television systems, programming, newspapers, billboards and magazines. Broadcasters deserve equal treatment.

Furthermore, Section 310(b)'s origin (protection of national security during hostilities) is outdated. Peace is breaking out all over. There is little chance that our remaining adversaries could subvert the national will by owning some of the thousands of stations across the country.

Congress should change the law and open our broadcast markets to foreign investment. Consider the following amendments to Section 310(b):

■ *Immediately exclude AM and independent UHF stations from its scope.* Congress and the FCC have wrung their

hands red about the plight of these stations. Let foreign capital and entrepreneurial drive bring them back to life.

■ *Immediately allow domestic broadcasters to form joint ventures with foreign partners—one to a market.* Foreigners could buy up to 50% of one FM and one non-independent UHF TV station in each market, with an option to buy the remaining equity in three years. In the interim, the FCC could study the effects of foreign ownership and report to Congress. Domestic owners would retain negative control over the stations' operations, and the plethora of competing voices would assure that aliens could hold no market power in any market.

■ *Condition acquisition of a controlling interest in any station upon reciprocal treatment of U.S. investors by the alien investor's government.* Ownership of U.S. broadcast facilities is an attractive carrot for broader reforms. Congress can signal foreign governments that the U.S. is willing to lower trade barriers if they do likewise.

The FCC could begin the process of loosening Section 310(b)'s restrictions in anticipation of congressional action. The statute's "holding company" provision prohibits award of a broadcast license to the domestic subsidiary of a foreign-owned parent "if the commission finds that the public interest will be served" by the denial. The law gives the FCC some discretion where an alien-controlled company's domestic subsidiary, having certain U.S. citizens as officers, seeks a license. The "holding company" provision presumes that this insulating structure preserves national security, and the law appears to place the burden on the FCC to make a contrary public interest finding.

Now is the time for the FCC to take the lead in exploring alien ownership reform. Chairman Sikes' "attic to basement" review of ownership and structural regulations presents the perfect opportunity to explore this idea. The result may be to deny to investment bankers, such as Ms. Griffith's character, a defensive tool against unwanted suitors, but it would help bring the United States into the global marketplace.

"Congress should open our broadcast markets to foreign investment."

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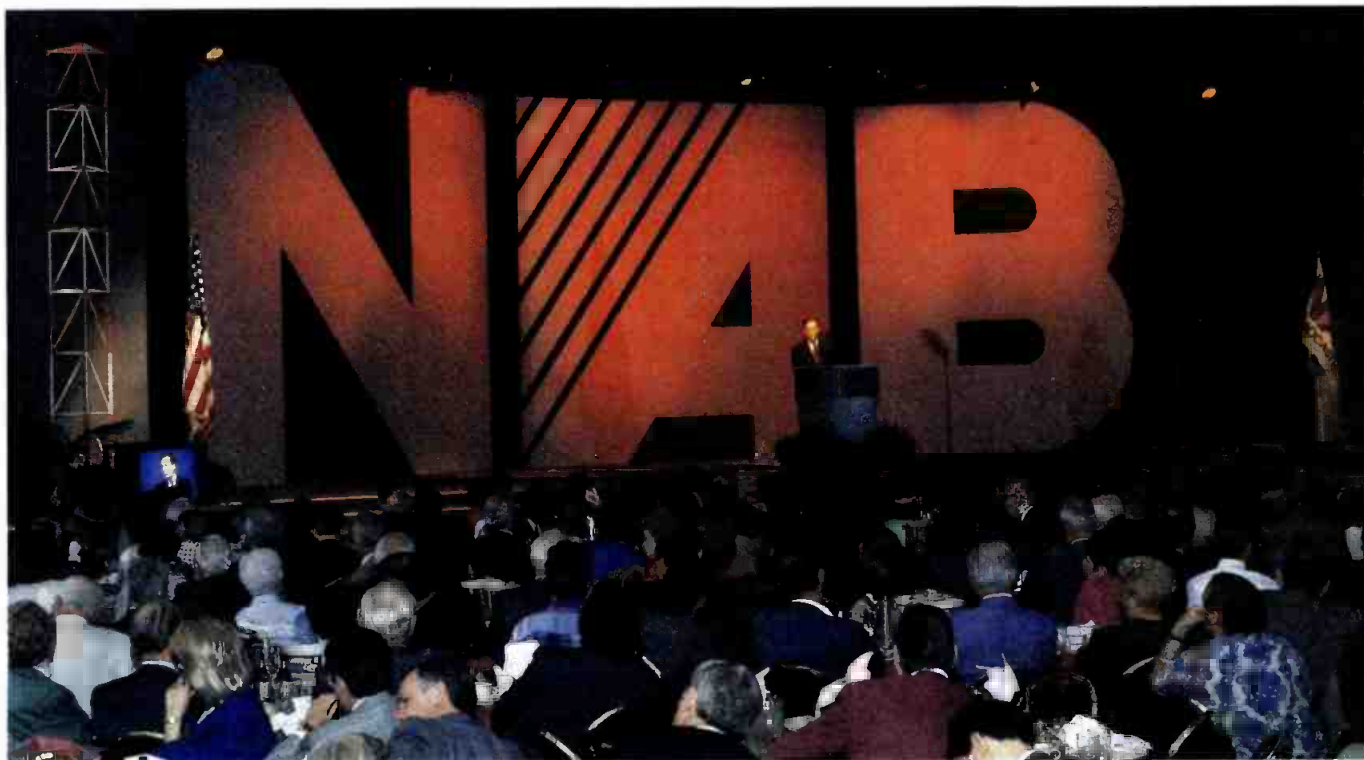
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TOP OF THE WEEK



NAB's annual convention opened with an all-industry luncheon featuring FCC Chairman Al Sikes (at podium), among others.

RADIO, TV TECHNOLOGY AT CENTER STAGE AT NAB

DAB and HDTV among highlights of annual gathering in Las Vegas; this year's show attracts over 51,000; syndicators return

A flat economy and considerable regulatory uncertainty may have dampened some broadcasters' spirits at last week's National Association of Broadcasters annual convention in Las Vegas (April 15-18), but the excitement over digital audio broadcasting, the exceedingly busy exhibit floor and HDTV World (see page 33), featuring the latest in transmission and electronic production technologies, seemed to give the convention the boost it needed.

Attendance, according to John Abel, NAB's executive vice president, was 51,217, compared to the 50,443 at NAB's 1990 convention in Atlanta. Abel said NAB set a record last Monday with more than 12,000 on-site registrations. And attendance by international broadcasters was 7,170, up 39.9% from Atlanta, he reported.

The return of syndication suites at the annual meeting did not generate as much traffic as hoped for (page 36), but syndicators said at least they were able to discuss development plans with station executives.

As for convention newsmakers, Capital Cities/ABC Chairman Thomas Murphy, who received NAB's Distinguished Service Award, blasted the FCC for its fin-syn decision (page 22). He called the decision a "Trojan horse" and said it would "seriously impede" the networks' ability to compete.

While broadcasters were generally impressed by Murphy's remarks, the same could not be said for FCC Chairman Al Sikes's speech. "It was one of the flatest speeches I've heard," said one disappointed broadcaster (page 27).

The infighting among the FCC com-

missioners over fin-syn has broadcasters worried. They are afraid Congress will lose confidence in the agency. Such was the sentiment expressed by Congressman Thomas Bliley (R-Va.): "I am not comfortable with the FCC as currently constituted in light of the recent decision on syndication."

The FCC is not alone in its lack of consensus. NAB President Eddie Fritts, upon opening the convention (page 30), urged broadcasters to set aside their differences and speak with "a strong singular voice." AM and FM station owners are feuding over DAB. Some large FM group owners are backing an in-band transmission technique that AM owners fear will preclude their ability to transmit digital audio. NAB, siding with the AM's, is seeking international allocation of new frequencies for DAB at next

year's World Administrative Radio Conference (page 20).

On the television side, there is confusion over how to handle the industry's twin goals of achieving must-carry and retransmission consent. NAB and the Association of Independent Television Stations will ask the FCC to adopt a new set of must-carry rules. Meanwhile, Toni Cook, senior counsel to the Senate Communications Subcommittee, announced details of a retransmission consent provision that will be incorporated into a cable re-regulation bill (page 29).

NAB board politics were center stage during the convention. A lively and contentious race for seats on the association's executive committee is well under way (page 23).

The industry's recession loomed over the convention, both in perception and

in reality. There were definitely fewer brokers, securities firms and banks in attendance, and most of those who came seemed to have specific appointments. Interestingly, half of the banks, according to the pre-registration list, were foreign institutions.

Among other highlights at last week's show was a live satellite speech by President George Bush. "In every ADI across the country, broadcasters did their part to support the brave men and women of our Armed Forces," the President said.

Bush agreed to answer questions, but neither Fritts nor Joint Board Chairman Lowry Mays used the opportunity to challenge Bush on his administration's communications policy. (Several weeks ago, Fritts blasted the administration for failing to "appreciate the role broadcasters play in the mass media marketplace"

and for promoting policies that are detrimental to broadcasters.)

Mays asked Bush to comment on the future of free TV. "That's what we call a slowball [question] in the trade," the President responded before calling broadcasting "the cornerstone of our democracy." Bush also said he was "all for" free TV.

Later, Fritts was queried about NAB's decision to ask a "slowball." Said Fritts: "In my view, the President himself is not aware of the impact of the cumulative effect of these various proposals from various agencies." Bush passed on the opportunity to give the beleaguered Sikes an endorsement. He mentioned that Sikes would appear after him for a speech, but said only that the chairman has a "long history in broadcasting, starting with his own radio stations in Missouri."

-KM



Test monitor on NAB's Eureka 147 demonstration bus suggests multipath impairment. But DAB listeners could not hear it.

BROADCASTERS TAKING SIDES OVER DAB

Factions are emerging over new service's spectrum; one side favors L-band frequencies, other wants to stay in current FM slots; then there are satellite proponents

Digital audio broadcasting appears to have surpassed HDTV as the most emotional and divisive new technology issue in the broadcasting industry. The battle lines were clearly drawn during the 1991 National Association of Broadcasters Convention.

On one side, led by the NAB itself, are those favoring DAB implementation in a new band, preferably the L-band (frequencies near 1500 mhz). NAB has endorsed Europe's Eureka 147 digital audio broadcasting system and is seek-

ing to license the technology itself. By the mid-1990's NAB would like to see FCC standardization of the Eureka system and the awarding of DAB L-band frequencies to every AM and FM broadcaster currently operating.

Several independent U.S. entrepreneurs have stepped forward in recent months with "in-band" alternatives—proposed methods for delivering compact disk quality audio over the FM band. A number of large FM station group owners, worried about the possi-

ble parity between current AM and FM stations in a new Eureka-based radio industry, support the in-band concept. Acorn, a system developed by Gannett Radio in cooperation with SRI International, Los Angeles, and supported by CBS Radio and Group W, appears to have emerged as the most prominent in-band proponent.

The most heated confrontation of the convention occurred last Wednesday (April 17) during a panel session entitled "DAB: Friend or Foe?" Panelists were

four of the architects of NAB's current DAB position: John Abel, NAB executive vice president, operations; Michael Rau, NAB senior vice president, science and technology; Alan Box, president, EZ Communications Inc., Fairfax, Va., and chairman of NAB's DAB Task Force and David Hicks, president and chief executive officer, Hicks Broadcasting Corp., Kalamazoo, Mich., and chairman of NAB's radio board. During the question and answer portion of the panel, Arthur Kern, chairman of American Media, said: "This panel was billed as DAB: Friends or Foes. There don't seem to be any foes represented up there."

(The day before the NAB panel, a panel stacked with six proponents of in-band DAB broadcasting to one Eureka 147 supporter was assembled outside the main NAB convention at the Sahara Hotel, sponsored by the Committee for Digital Radio Broadcasting. [See story, page 29].)

Kern gave a speech of several minutes criticizing NAB's position and saying the association has not aired opposing viewpoints. "These dissenting views have been brought up in some private sessions, but it may get to a point where public forums like this need to hear directly from the people who have been looking into it," he said. "The in-band solution makes a whole heck of a lot of sense, and if you have 10 technical objections to it today, I bet they'll all be gone in six months to a year, and some of us can't even begin to envision what might be better than the Acorn system."

"We have distributed rebuttals of the Rennes trip [where a majority of the DAB task force gave good grades to the Eureka system (BROADCASTING, March 18)], and I think the trade press itself covers pretty actively the fuzzy points of view on this," Abel said in response.

Box said NAB's policy has been to accommodate both AM and FM in the new radio transmission system. "What's rather clear is that the commission has come out on more than one occasion and made it known it would not be receptive to any plan that excluded AM," Box said.

Although NAB has endorsed Eureka 147, NAB's DAB task force will continue to study the in-band approach, Abel said. "In the view of the task force, the industry loses nothing if it explores these in-band solutions. But there is a concern that our government could make a policy conclusion on DAB based only on the promises and concepts of in-band proponents," Abel said. "It would be a serious blow to the radio industry if the United States refuses to keep the DAB

options alive because in-band has been promised."

USA Digital is working on an AM version of its Acorn system, but it is still in the theoretical stages. No timetable for testing or demonstrating an AM in-band system has been set.

Demonstrations of both Eureka 147 and Acorn were available at the convention. NAB sponsored the Eureka demonstration, which followed the model of demonstrations held in three cities last year in Canada. A DAB mobile receiver was installed on a bus that traveled through downtown Las Vegas to give

"The in-band solution makes a whole heck of a lot of sense and if you have today 10 technical objections to it, I bet they'll all be gone in six months to a year."

—Arthur Kern
American Media

passengers an idea of how well DAB performs in conditions of heavy multipath compared to FM. DAB signals were transmitted from the roof of the Las Vegas Hilton and from a lower-power "gap-filler" transmitter that was used to introduce multipath to the DAB receiver.

As advertised, the DAB signal did not experience degradation under heavy multipath conditions. However, many felt that when the demonstration switched from FM to DAB reception, the jump in quality was not very noticeable. The jump between AM and FM quality was much more apparent. One reason for this was the quality of the FM signal, provided by KLUC-AM-FM. Downtown Las Vegas did not provide enough multipath impairment to severely damage the signal. "If we were in San Francisco, we could have made the FM drop out entirely," said NAB engineer Stan Salek, who operated the Eureka demonstration. But Salek was confident the improvement from FM to DAB was noticeable for most listeners.

Some also said the quality difference between FM and DAB in a bus or automobile is not very wide when considering ambient noise. Abel tended to agree. "That is not the major benefit in my opinion.... The difference is no multipath, no interference. We know that the

AM environment is not good on interference. The FM environment is pretty good in about 95% of all locations," he said. But FM is beginning to deteriorate as the FCC drops in more stations, he said.

Work on the Acorn system started only last November. The prototype equipment demonstrated at NAB was built in only four months (BROADCASTING, April 15). It was a stationary demonstration. USA Digital is aiming for a mobile demonstration, comparable to Eureka's, by next fall's NAB Radio '91 Convention in San Francisco (Sept. 11-14), said Paul Donohue, vice president, engineering, Gannett Radio.

Also by Radio '91, USA Digital may have broken its breadboard Acorn encoder and decoders demonstrated at the show into a smaller, rack-mountable component. The demonstration outlined the parallel process of the digital signal along an FM carrier's subcarrier. Because Acorn is designed to transmit "within the FM mask, it can operate without FCC permission," a major selling point for the system, said USA Digital's Mark Rich.

Based on his observations of the spectrum situation in the U.S. and Europe, Donohue said the L-band issue is already dead. In the U.S., much of L-band is used for aeronautical telemetry, an application important to the Defense Department.

Advocates of satellite DAB delivery are also competitors for L-band space. One of those advocates, Peter Dolan, president, Satellite CD Radio, Washington, tried to calm broadcasters' worries about satellite radio. "I think one thing we have to keep in mind is this is an experiment. The FCC has gone through several proceedings trying to come to grips with how this should be introduced," Dolan said. "Space is a very expensive field to play in. [The CD Radio system] may be available mid- to late decade, but it's not just around the corner. We do not view this as being competitive to local broadcasters. We view this as a complement to broadcasters." Satellite CD Radio has requested allocation of 50 mhz in the L-band to implement its system.

The satellite digital audio service set to be launched in 1994 by Radio Satellite Corp., Long Beach, Calif., will not be dependent on a new L-band spectrum award. The company plans to deliver sound (less than CD quality) and other services to mobile receivers in the band near 1600 mhz. RadioSat Chairman Gary Noreen said some of the system's other services will include car-seat shopping and data transmission.

—RMS

MURPHY CALLS FIN-SYN RULING 'TROJAN HORSE'

*Capcities/ABC chairman
says fin-syn decision
has harmed networks,
impeded competition
with studios*

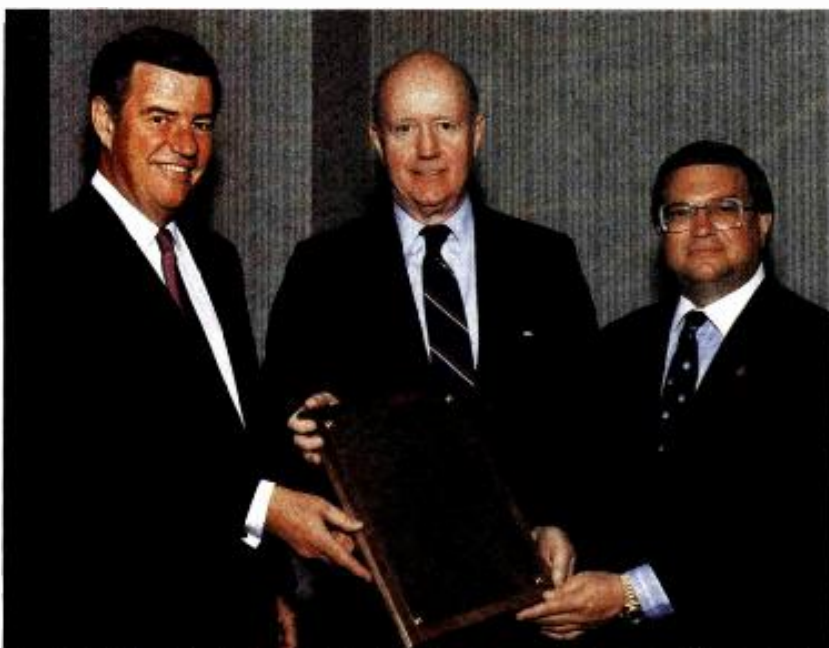
Disappointed with the FCC's financial interest-syndication decision, Thomas Murphy, chairman of Capital Cities/ABC, said the ruling is a "regulatory Trojan horse" and that it "clearly hurts the television networks."

Murphy's rebuke of the commission's action (BROADCASTING, April 15) came during a speech he gave upon accepting the National Association of Broadcasters' Distinguished Service Award at NAB's convention last week. Because ABC has been viewed as less of a "hardliner" than the other two networks, Murphy's remarks came as a surprise. Moreover, as one broadcaster said, it was not the "typical" DSA acceptance speech.

Indeed, Murphy wasted no time in making clear his displeasure with the new rules. "I am disappointed with the decision, of course. We were the recipients of a regulatory Trojan horse. After a 20-year wait, we looked forward to a package offering increased competition and deregulation. What we received was a myriad of new hoops and hurdles that can only complicate our business dealings," he said.

"Each measure in the ruling that was labeled an 'opportunity' came coupled with complicated impediments and restrictions. The rules will continue to seriously impede our ability to compete with the major studios in the production, funding and distribution of television programming. It clearly hurts the television networks and ironically also hurts the independent producers, who are denied a further source of funding," said the veteran broadcaster.

His frustration was clearly indicated by the jabs he made at Hollywood. "I have always said that one of the most rewarding things in life is to see your good friends succeed—my good friend Jack Valenti [president, Motion Picture Association of America]...my good friend Bob Daly [chairman, Warner Bros.]...and my good friend Barry



Capital Cities/ABC Chairman Thomas Murphy (center) receives this year's NAB Distinguished Service Award. NAB Joint Board Chairman Lowry Mays (l) and NAB President Eddie Fritts presented the award to the veteran broadcaster.

Diller [chairman and chief executive officer, Fox Inc.]. As he read the fin-syn opinion, Murphy said he kept looking for something for the networks. And, he added, there was... "It was for Fox, the only network owned by a studio."

"I know my good friend Jack Valenti also says he's unhappy with the decision, and I can only say one thing.... I hate a sore winner.... But it won't affect my judgment when our mini-series on Jack airs next year, and it should be terrific. It's Kitty Kelley's first crack at television."

Despite his criticism of the new rules, Murphy said there was "no doubt" in his mind the commissioners voted with their "principles and consciences."

Said Murphy: "I've always prided myself on being a pretty decent salesman, so I am truly sorry we weren't more effective in convincing the FCC majority what negative impact these rules will have." Murphy also praised FCC Chairman Al Sikes and Commissioner Jim Quello for their stands on the issue. "Chairman Sikes and Commissioner Quello were very articulate in saying they did not believe these rules would further the public interest and I believe history will bear them out. Certainly the financial performance of the three networks in the coming years will be further evidence."

He said it would not be easy for the networks to compete when "one hand is tied behind your back." And, he said,

he identifies with the Trojans—"there is dramatically less here than we had hoped."

To Murphy, fin-syn is an issue that goes to the heart of the network's business, which is programming. He thinks the future of on-air broadcasting is at "stake here," and he said Capital Cities/ABC would pursue every course possible to insure the continuation of the "free television system as we have known it."

In wrapping up his speech, the broadcaster said it has been a "privilege to serve the public and be involved in something that is so much a part of the fabric of everyday life in this country." Furthermore, he expressed his concern about the deregulatory environment that has led to the selling of stations like a commodity. Some regulatory requirements, he said, have been "crucial in providing our business with an underpinning of stability and continuity—important dynamics in a business that grew and changed as dramatically as ours. Today's freedom to buy and sell a station like a commodity has to offend all those who consider themselves broadcasters."

Said Murphy: "The fact is, being a broadcaster is something special, and if you feel as I do, you can imagine the thrill I get each evening as I hear the words: 'More Americans get their news from ABC News than from any other source.'"

—KIM

NHK TO GO HEAD-TO-HEAD WITH CNN

Japanese broadcaster wants to launch Global News Network partnership within year as 24-hour-a-day news channel to compete with Turner

NHK Chairman Keiji Shima, who has been talking for the past several months about launching an international news service to compete with Turner Broadcasting System's CNN, brought the talk to the NAB convention in Las Vegas last week.

The head of Japan's powerful non-commercial broadcasting service told reporters at a Tuesday afternoon press conference that the 24-hour-a-day Global News Network will debut "within the year" as a partnership of NHK and European and U.S. broadcasters.

Speaking through an interpreter, Shima said the service will cost \$1 billion to get under way and will "probably" be based in New York.

Shima provided few details and left some fundamental questions unanswered. Among them: where the \$1 billion would come from and how NHK and its partners would recoup the investment, although it was assumed the new service would, like CNN, sell advertising and reap fees from cable and home satellite subscribers.

Also unclear was the service's relationship with Media International Corp. (MICO), a consortium of NHK and 46 other Japanese financial institutions, trading companies and manufacturers founded last year to produce television for the world market. MICO could supply capital and help market the service.

Shima also declined to name prospective U.S. and European partners, which would contribute newsgathering ability and possibly money to the venture. The partners would be announced only after final contracts are signed, he said. The signings are expected this summer, he said.

Speculation about a U.S. partner has centered on Capital Cities/ABC, which has long-standing programming and consulting agreements with the Japanese broadcaster. But to date, Capcities has downplayed any interest in GNN.

Shima said GNN would be an "equal partnership," with each of its partners having a say in the management and editorial control of the service. However, the partners do not necessarily have to put up money, he said, adding that "a lot of companies have expressed interest in financing" the venture.

Shima said he has talked with the Soviet Gostelradio about it joining the venture, but would not expect the state-

owned entity to contribute money.

According to Shima, the service will comprise news in equal parts from Asia, Europe and North America, with each of the partners responsible for covering its portion of the globe.

Shima said the service would be distributed in the U.S. via broadcast stations "supplemented" by cable and broadcast satellite. However, another NHK executive at the press conference later said plans call for distributing the service primarily via cable and satellite in the U.S.

According to Keiichi Kubota, another NHK executive present, the service would be distributed in the U.S. via GE Americom's Satcom K-1, with which NHK already has some experience.

PrimeStar, a venture of several major U.S. cable operators, is using Satcom K-1 to beam a satellite broadcasting service to subscribers equipped with small dishes. Hoping to piggyback on the

PrimeStar service, a Japanese consortium including NHK and the Japanese trading company C. Itoh subleased a transponder on the satellite from PrimeStar and on April 1 put up a 10-hour-a-day Japanese-language news and entertainment service dubbed TV-Japan. Under their agreement, PrimeStar is marketing TV-Japan along with its own mix of broadcast superstations and pay-per-view movies.

GNN will "not follow in the footsteps" of CNN, he said. Instead of providing world news from a U.S. perspective as CNN does, he said, GNN will present it from the perspective of the various partners. Also, he said, he hopes it will be "more comprehensive," going beyond reporting just what Bush and Gorbachev said.

From Las Vegas, Shima said he was heading to Cannes, France, and the MIP-TV fair to talk with potential partners there.

-HJL

NAB POLITICKING GETS LIVELY

Rule complicates race for Group W's Goodgame and Harris

All the action at last week's NAB convention in Las Vegas wasn't on the exhibit floor or at the gaming tables. Behind-the-scenes politicking for a seat on NAB's executive committee was one of the liveliest games in town.

This year's election has as many subplots as a mini-series; it also appears to have destroyed a friendship between two veteran broadcasters.

A fierce campaign is underway for the radio vice chairmanship. Directors are being asked to choose between Walter

May of WPKE(AM)-WDHR-FM Pikeville, Ky., and Dick Harris, former chairman of Group W Radio.

But complicating matters further is the fact that Harris, who is now a consultant with Group W and owner of WSPB(AM) Sarasota, Fla., is not the only Group W employee who wants a spot on the executive committee. Tom Goodgame, former president of Group W Television, now president emeritus of Group W News Service in Washington, is interested in running for joint board chairman. Goodgame was chairman of



Goodgame



Chapman



Harris



May

the TV board in 1989-90.

But NAB bylaws prohibit two employees of the same company from serving on the executive committee. It seems Goodgame did not expect Harris to run for a seat on the executive committee when he decided last year to seek the joint board chairmanship.

Goodgame has not officially put his hat in the ring and is said to be waiting for Harris to pull out so he can run. Harris indicated last week he is not bowing out. "I have the time," said Harris. "I feel this is the right thing to do," he told BROADCASTING.

The tension between the two old friends was so high at one convention cocktail reception that one broadcaster said they were close to "fisticuffs."

And as this bitter feud has progressed, there were charges Harris did not have a legitimate claim to his seat, which is an appointed seat to be filled by a group operator. NAB's general counsel Jeff Baumann, in looking over Harris's contract with Group W, determined that he is still an employee of Group W and eligible to run for vice chairman.

There was also some question as to who signed the contract: Group W's human resources vice president or its chairman, Burt Staniar. But the company confirmed last week that Harris does have a contract with Group W as a consultant and that, as one source put it, "who it is signed by is irrelevant." Group W wants to stay as far from the

fray as possible.

Goodgame's only comment last week was "no comment." If he does enter the race, he would oppose Gary Chapman of LIN Television Corp. Chapman is confident he can beat Goodgame. But there are some who say the Group W executive still has a shot at winning the seat.

If Harris were to drop out, May stands to gain. The two are in a pitched battle with current radio executive committee officers, Chairman David Hicks of WKMI(AM) Kalamazoo and WKFR-FM Battle Creek, both Michigan, and Radio Vice Chairman Dick Novik of WKIP(AM)-WRNQ-FM, Poughkeepsie, N.Y., working hard to see Harris elected. Novik is running unopposed for radio chairman.

There are some directors who say it is unorthodox for Hicks and Novik to campaign for Harris. According to May, "generally, office holders do not get involved in other races."

Of course, May is an old hand at board politics. He is a former radio chairman who ran unsuccessfully for joint board chairman and as radio chairman he was one of two who engineered the election of NAB President Eddie Fritts, who stepped down as joint board chairman in 1982 to run for the association's presidency.

"I am not sure what we are doing is campaigning," said Novik. "We want what is best for the organization's future. I think Dick Harris is one of the top

leaders in the radio industry, and we have an opportunity to have Dick for a year," he said. Moreover, Harris brings "all the key ingredients of a major market broadcaster," said Novik.

Part of the pitch against May is that he is a small market broadcaster, and, with both Novik—whose station is in a medium market—and May on the executive committee, two small market broadcasters would essentially set policy.

But May dismisses that argument. He said he does not consider himself a "typical" small market radio operator. He's served on numerous NAB committees including the DAB task force and legislative liaison. Furthermore, he said he will bring "continuity" to the committee. Both Harris and Novik's terms are up next year, whereas May still has two more years on the board.

That is also an issue. May wants to run for the joint board chair in 1993 and, based on NAB tradition, if he wins the radio vice chairmanship, he is in direct line for that post.

But May's style of leadership, which some directors consider to be too reminiscent of the "good old boy" network which influenced NAB for so many years, does not reflect a new generation of leadership.

The outcome of this politicking is unclear. But it was becoming more evident that some were growing weary of the politics. Indeed, as one director said, "it all disgusts me."

—KM

FNN BACK ON AUCTION BLOCK?

CNBC free of FTC antitrust concerns; Dow Jones-Group W back in race as bid is reinstated, but CNBC plans appeal

This could be the week Financial News Network is sold. It is likely CNBC and Dow Jones-Group W are headed for an auction, with FNN on the block. CNBC won a narrow victory when the FTC decided late last week to close its antitrust investigation and not to oppose the sale of FNN to competitor CNBC. The FTC voted three to one not to oppose the sale, with one commissioner, Roscoe B. Starek III, recusing himself for reasons unknown. Commissioner Mary L. Azcuenaga had been ready to join Commissioner Andrew J. Strenio Jr. in the dissent, but she changed her mind because, according to the FTC, "There was no majority support for a preliminary injunction action."

Dow Jones-Group W also scored a coup earlier in the week when their ap-

peal was granted and a U.S. district court judge reinstated the partnership's \$115-million bid dismissed by a bankruptcy court judge on April 3. The bankruptcy judge then approved CNBC's bid, pending antitrust findings. CNBC plans to appeal the district court's ruling and last Friday was expected to file a request for an appeal and a stay with the second circuit court.

Said Tom Rogers, president, NBC Cable, in a statement: "We are gratified that the FTC has decided not to block our efforts to acquire FNN. We look forward to an early closing of this transaction and the opportunity to provide strengthened programming for viewers." CNBC may still face the petition by 13 state attorneys general, led by Pennsylvania, to stop the sale. The states have made no final decision on whether they

will seek an injunction blocking CNBC.

In a statement, Donald Mitzner, president, Group W Satellite Communications, said: "We are disappointed with the FTC decision. However, [U.S. District Court] Judge Lasker's ruling gives us a level playing field and we are now evaluating our options."

It is expected that some time this week FNN will be auctioned and sold to the highest bidder. Both CNBC and Dow Jones have \$115-million bids on the table.

But this falls short of what has appeared to be a strategy by Dow Jones-Group W not to get into a bidding war. Observers say that at the April 3 hearing, when Dow Jones-Group W refused to extend their bid through May 31 (prompting the judge to throw it out), it was part of a decision to bet on the

outcome of the FTC's antitrust investigation, hoping to get FNN through legal maneuvers for no more than \$115 million. Observers say that in an open auction process, CNBC, which many believe needs to acquire FNN to keep itself alive, will be the highest bidder. As one observer put it, Dow Jones-Group W "may not even show up in the courtroom," but others say it is unlikely the

partnership would let CNBC have FNN without making them pay dearly for it.

If the FTC had, in fact, decided to oppose the sale to FNN, and filed for and gotten a temporary restraining order, it is likely Dow Jones-Group W would have walked away with FNN. Dow Jones-Group W had said in the district court appeal hearing last week that it was willing to keep its \$115-

million bid on the table until three days after the FTC filed for a temporary restraining order. Ben Logan, attorney for Security Pacific, one of the secured creditors, said if that was the case, there would have been a strong inclination to take Dow Jones-Group W's offer of \$115 million, although that would have been complicated if CNBC had significantly raised its bid. -SDM

NBC CREATES STIR WITH RAPE REPORT

After a 36-hour debate, NBC News identified the alleged victim of a rape at the Kennedy family retreat in Palm Beach, Fla., in its *Nightly News* broadcast last Tuesday (April 16). The move sparked a nationwide debate on whether the decision was right or wrong.

As a matter of practice, most news organizations have agreed that in the case of sexual assault, the perceived stigma of such an assault and the victim's right to privacy outweigh the First Amendment right to identify the victim. In most cases, the media has refrained from doing so. Several states, including Florida and Massachusetts, have laws banning the publication of names of sexual assault victims.

Last week, however, the morning after the NBC broadcast, the *New York Times* also published the alleged victim's name in the Kennedy case, in a lengthy, well-researched profile of her, citing NBC's decision and suggesting that the privacy issue was moot.

The debate within NBC News was sparked by NBC News President Michael Gartner, who for years has been an advocate of naming alleged victims of sexual assault, on a case-by-case basis, if it adds to the audience's understanding of the issues at hand.

And last week, Gartner carried the day, despite some powerful arguments from his senior staff. "I would say I agonized over it," said Don Browne, executive vice president, NBC News. "It was one of the most difficult and painful debates I've ever been through."

Perhaps the key concern, said Browne, and one that he raised, was what impact the naming of the victim would have on the willingness of other victims to step forward and confront their assailants. But in the end, said Browne, "there was a convincing argument that at some point we have to get beyond the stigma of rape."

And, despite some reports to the contrary, said Browne, once the decision

was made, the entire senior staff was behind it, including himself, *Nightly News* Executive Producer Steve Friedman, Senior Producer Cheryl Gould and Tom Brokaw. "We all went into this with our eyes open," he said.

However, many of the network's affiliates, including some O&O's, felt NBC News made the wrong decision. In fact, one affiliate, WBZ-TV Boston, edited out the portion of the story where the victim's name was announced and her picture appeared.

"I think it was a real stretch," said an executive at one of the O&O's. an "Gartner says it's justifiable if it advances the story, but they just dropped the name in there without explaining at all how it added to an understanding of

the issues involved."

A number of station executives agreed and said NBC was kidding itself if it really thought it could "de-stigmatize" the rape issue by naming victims. The NBC affiliate in West Palm Beach, WPTV(TV), also opposed NBC's decision and stated its opposition on the air before last Tuesday's *Nightly News* broadcast. However, it aired the network story uncensored. According to William Brooks, WPTV(TV) vice president and general manager, the station's 6 p.m. newscast reported Tuesday that NBC News would air the report naming the alleged victim and stated that the station "vigorously disagrees" with the decision and had "voiced our opinion" to the network. -SM

U.S. SHOWS SNAPPED UP BY SOVIETS

The lifestyles of the rich and powerful might be the last thing a troubled communist nation would want on its airwaves, but that is just what Soviet viewers will have a chance to see when *Dallas* and a week's worth of other hit American programming fills Soviet prime time next July.

In an unusual deal announced Friday in Cannes, France, at the opening day of the MIP-TV international program marketplace, U.S. distributor Worldvision Enterprises has obtained exclusive rights to supply 19.5 hours of prime time programming to the Soviet broadcast service Gosteleradio's leading TV channel. The programming will air July 1-6 between 7 or 7:30 p.m. and 11 p.m., with the sole interruption of Soviet news hour *Vremya*, which typically draws between 150 million and 200 million viewers in its 9 p.m. slot.

Worldvision will take no fee from Gosteleradio for programs such as *Love Boat*, *Little House on the Prairie*, *Streets of San Francisco* and Hanna-Barbera animation. Instead, it will assume sales for 48 commercial minutes clustered between the programs. Already, Worldvision has signed Chiquita Brands as its first major sponsor, taking 12 minutes.

According to a representative for Gosteleradio's film buying department present at the market, the broadcaster chose the July dates specifically because of the overlap with Independence Day. The representative added the heavily promoted week would show "good will" toward the American people and bring Soviet viewers "another world."

Worldvision's deal was not the only indication the television world continues to gravitate toward the troubled Soviet nation. Saban Entertainment has acquired worldwide rights to a six-hour Soviet-German mini-series coproduction entitled *Shadow over Moscow*, the true story of scientist Nikolai Vavilov's fall under Stalin.

MFJ DEBATE FINDS GREENE WITH MANY QUESTIONS

In hearings on lifting information services restrictions on RBOC's, district judge remains skeptical on some points, but it is unclear how much latitude appeals court decision gives him to disagree with Justice's view

The basic dilemma facing U.S. District Court Judge Harold Greene as he considers changes in the modified final judgment that would allow the regional Bell operating companies to provide information services was played out last week in two days of hearings before his court.

Greene, in his questions, appeared to range from moderately to highly skeptical that the restrictions on the telcos should be lifted. At the same time, Greene is acting upon the remand of the higher appeals court, which has ruled that the Justice Department's views on changes to the consent decree the department entered into in 1982 be given great weight. And Justice has made it clear it feels the restrictions should be lifted. Not only are competitive issues at stake, such as whether the telcos should be allowed into the cable business, there is also an undercurrent in the case involving constitutional questions of the separation of power between the judicial and executive branches.

The appeals court, telephone company attorneys said, narrowed Greene's power in the case, whereby he could maintain the prohibitions only if they were not in the public interest. The recommendations of the Justice Department (to lift restrictions) should be given greater weight as the appeals court had instructed, they said, because the department has the primary oversight function in the consent decree. The only basis to keep the restrictions in place is if competition would be lessened, telco attorneys said. And "history and speculation does not rise to the level of certainty to deny the motion," said attorney Nancy Garrison, representing the Justice Department.

What clearly still troubles Greene, and gives rise to the separation of powers issue, is the Justice Department's 180-degree turn on lifting the information restrictions that occurred when Ed Meese was attorney general under President Ronald Reagan. At one point in the hearing, Greene said there "has to be some compelling reason" for Justice's about-face, something more than it "changed its mind because new people came in."

Greene asked why the Justice Department's findings in the review carried any

greater weight than any other party. And, referring to the Tunney Act, he said: "It's beyond me how the Tunney Act gives the department a blank check." The Tunney Act, passed in the 1970's, was designed to provide oversight of Justice Department consent decrees by the judicial branch.

But Professor Laurence Tribe, arguing for the telcos, said that while the Tunney Act did not give the department a blank check, the appeals court, in its remand, did confer that "rights and obligations" fall within the zone of the public interest. The Justice Department has approached the matter with the public interest in mind, Tribe maintained. He also said it was probably unconstitutional to give a district court judge the chance to second guess modifications to a decree into which Justice entered. At one point, after telco lawyers repeated again the need for deference to the Justice Department, Greene asked "Why didn't the court of appeals send the case back to the department to decide?"

Attorneys representing information providers, including the National Cable Television Association, argued against given Justice great deference. H. Bartow Farr said: "The Justice Department decision to modify the decree has no independent legal significance." Greene may wish to give institutional deference to Justice's views, Farr said, but as a matter of law, it is not required. Tribe countered that Justice "is not just another expert. It has prime enforcement responsibility."

The decree presents two different versions under which Greene could handle the modifications. Sections VII and VIII-C appear at odds: the latter gives Greene more latitude in reviewing modifications; the former limits his review to instances of corruption by the Justice Department or the lessening competition in markets where the telcos are allowed to enter.

Telco attorneys maintained that section VII was the relevant portion of the decree in Greene's consideration in the remand, which requires the judge to use the public interest standard. In either case, Garrison argued there is not much latitude for Greene to stand in the way of the views of the appeals court and Justice, even if he disagrees with them.

Greene seemed most skeptical of the cross-subsidy arguments. Stephen Shapiro, representing the RBOC's, argued that the Justice Department concluded, based on substantial evidence, that the RBOC's could not achieve market power through cross-subsidization if the restrictions were lifted. In the several competitive areas where the telcos have entered, Shapiro said, they have been unable to achieve market power, as feared by their detractors.

Greene said the RBOC structure has become more complicated and the cross-subsidy more difficult to detect since the divestiture. And "Bell still has the bottleneck at the end," Greene said. Shapiro argued consumers have ways to receive information other than the telephone wire, but Greene retorted that was a "minute percentage."

At any rate, Shapiro said: "It's for the FCC and state PUC's to oversee cross-subsidy" jurisdictionally. And he said cross-subsidization was unlikely because fewer common costs were at issue in these new markets, while other new markets did not lend themselves to cross-subsidy.

The Justice Department said the pro-competitive benefits outweigh the cross-subsidy risks, Shapiro said. Greene remained unimpressed. "Your clients have special advantages," he said, and he pointed out there are fewer employees at the FCC to monitor the cross-subsidy issue.

But John Ingle, deputy associate general counsel at the FCC, said in the pertinent area, the Common Carrier Bureau staff has increased in number from 279 to 328 since 1982, while the audit division staff has risen from 32 to 61.

Consumer Federation of America President Gene Kimmelman pointed to a quote from a PacBell executive who said if British Telecom was allowed in the cable business in England, PacBell would "pack and leave the [cable] business" because of the potential of cross-subsidy. "There are significant opportunities to subsidize phone costs," Kimmelman argued, and even the newest regulatory safeguards cannot prevent them.

One point both sides agreed on was that partial relief was not supported by the record.

-MS

SPECIAL REPORT

NAB91 LAS VEGAS



SIKES OUTLINES FCC'S 'FULL PLATE': TV CHANNEL, EXPANDED AM BAND, DAB

In next year, FCC aims to establish rules for HDTV simulcasting channels, implement a DAB service and set final rules for expanded AM band

FCC Chairman Alfred Sikes said the FCC will soon begin a proceeding to establish rules for the use of so-called HDTV simulcasting channels.

Running down next year's FCC agenda for the thousands of broadcasters gathered at the NAB convention's Monday luncheon, Sikes said the proceeding would address, among other things, "how the HDTV channel can be used, whether a timetable should be established to move toward true simulcasting and when the channels being used for the 'old' signals should be relinquished to form a spectrum reserve."

Such questions need to be answered "before a new television table of assignments [for HDTV] is ready," the chairman said.

Speaking to reporters after the speech, Sikes said the proceeding would also question whether simulcast channels would have to be used for simulcasting all the time and whether they could be

used at least on a transitional basis for so-called extended definition television services.

Sikes gave no indication in either the speech or the press conference how he would answer any of the questions.



FCC Chairman Alfred Sikes

The FCC and an industry advisory group are working toward establishing an HDTV transmission standard by 1993.

After the standard is set, broadcasters would begin offering HDTV service using a second simulcast channel. So as not to make obsolete the millions of conventional TV sets now in use, broadcasters would continue to broadcast NTSC signals over their existing channels.

The FCC's "full plate" also includes "the next defining step" in implementing a digital audio broadcasting service, Sikes said. "Difficult spectrum, standards and service questions lie ahead."

Sikes said the FCC also expects to set final rules this summer for opening up the expanded AM band (1605 khz-1705 khz). "While I am convinced the number of AM stations both will and should decline, I am also convinced that strong AM stations, whose technical integrity

is protected by the FCC, will remain prosperous parts of American broadcasting."

The FCC is also working on a review of the multiple and crossownership restriction on broadcasters, an inquiry into the prohibitions against telephone companies providing video services, new technical standards for cable and a re-

write of the FCC rules exempting cable systems subject to "effective competition" from municipal rate regulation. Put them all together, he said, "and...a demanding and challenging agenda emerges."

Commenting at the press conference on congressional efforts to authorize the FCC to use "competitive bidding" or

auctions to award new spectrum, Sikes said he favors it, in general. However, he said, he has questions about whether broadcast spectrum should be included in an auctioning scheme. "In most respects, I've generally opposed its inclusion," he said. In particular, he added, the HDTV simulcast channel should not be auctioned. —NAJ

MEDIUM, MEDIUM, WHO'S GOT THE BEST MEDIUM?

Representatives from cable, broadcasting and telcos all claim they hold the key to television's future

Jones Intercable Chairman Glenn Jones predicted cable system capacity will swell to 2,000 channels by the end of the decade, and those channels will be filled with niche programming offering something for everyone.

"The golden age of television has not come yet," said Jones, who represented cable in an NAB convention session pitting advocates of four mass video media.

According to Jones, the exponential increase in cable capacity will result from the use of fiber optic networks and digital compression, which can squeeze multiple TV signals into spectrum now needed to handle one.

At the National Cable Television Association Convention last March, Jones announced some of his company's systems would begin experimenting early next year with a digital compression system developed by Skypix.

Jones acknowledged he did not know what kind of programming would be created to fill the channels, but expected to see "whole new categories of stuff" such as in-home educational services evolve to fill the vacuum.

There was plenty of skepticism about Jones's predictions among his fellow panelists as well as members of the audience.

Panelist Bill Ryan of Post-Newsweek doubted the economics of, and audience interest in, thousands of cable channels. Broadcast networks have trouble programming three channels with "compelling product," he said. "More is not necessarily better."

"More of the same isn't better," said Jones. "I'm not talking about more of the same."

Stanley Hubbard, chairman and president of Hubbard Broadcasting, agreed with Jones that video channels will attract programmers to fill them. But, he argued, it is direct broadcast satellites, not cable, that has the potential for delivering hundreds of channels of service to the home. Unlike cable, DBS can

aggregate audiences needed to support niche programming services. The average cable system serves 12,500 homes, he said. If it offers a service appealing to 1% of the U.S. households, only 125 subscribers will tune in.

On the other hand, if a national DBS service offers the same service, one million homes will watch (1% of an estimated 100 million TV homes), Hubbard said. "That becomes a viable audience."

Jones said the logic of Hubbard's argument is "all screwed up." Because satellites interconnect cable systems, programmers have access to a national audience of 50 million homes.

Although a group broadcaster from a pioneering broadcasting family, Hubbard has become a vociferous advocate of DBS. For nearly a decade, Hubbard has been trying to entice other broadcasters to join him in launching a DBS system. Thus far, he has had limited success.

During the session, he repeatedly referred to a Rand Institute study strongly endorsing DBS.

Jim Young of Bell Atlantic also agreed there was latent demand for a broadband pipeline into the home, not only for video, but for other forms of information services. But only the telephone industry's proposed fiber optic-

based switched network will suffice, Young said. "Jones's technology is not going to cut it."

Jones countered that the cost of the telcos building a switched network is unnecessary and prohibitively expensive. It could cost up to \$500 billion, he said. "You are going to have to get Michael Milken out of jail to get that kind of money," he said.

The promise of a switched network and "video on demand" is a "Trojan horse" intended simply to break down the legal barriers against telcos entering the television business. A switched network is "ridiculous," he said.

Moving beyond the debate over who has the best medium, Hubbard predicted half the stations now on the air would go dark within 10 or 15 years.

But the remaining broadcasters could prosper, Hubbard said. For that to happen, broadcasters have to "get back to basics" and improve local service; networks have to reinvest more of their earnings back into programming and the telephone industry has to be kept out.

Hubbard was particularly critical of CBS and NBC. They are being run by "bean counters...people who are not broadcasters," he said.

Ryan also took a shot at the networks, saying they "no longer value the affiliate partnership as they once did." —NAJ



Moderator Don West of BROADCASTING, Hubbard, Young, Jones, Ryan

THE INOUE ALTERNATIVE: MUST CARRY OR RETRANSMISSION CONSENT

Senator will include plan in cable rereg legislation

Senate Communications Subcommittee Chairman Daniel Inouye (D-Hawaii) is offering broadcasters a choice: They can have must-carry protection or a retransmission consent right that would allow them to control the use of their signals.

Inouye's plan was announced last week during an NAB panel session by the subcommittee's senior counsel Toni Cook. Cook said a retransmission consent proposal would be added to the cable reregulation bill as promised by Inouye last month. According to Cook, the Senate Commerce Committee will vote on cable legislation later this month or in early May. She was joined at the panel session by other congressional staffers.

Cook said the bill's current must-carry provisions would remain intact, but the measure would also permit broadcasters to negotiate with cable operators for the retransmission of their signal. She said the FCC would be directed to implement a retransmission scheme and that in the interim the bill's must-carry requirements would be in effect. Broadcasters, she said, would have to choose "one or the other."

The Inouye proposal is similar to one the Television Operators Caucus advanced called "opt in-opt out."

Despite the broadcasters' gains in the Senate, said David Leach, aide to House Energy and Commerce Committee Chairman John Dingell, broadcasters will have a hard sell. "The industry faces a difficult task," said Leach. "You are talking about reselling rights you don't own," he said. Moreover, he said the idea of retransmission consent is flawed because affiliates are paid by the networks to carry their feeds. And he said Congress will not support a proposal that could lead to an increase in cable subscribers' bills.

But Dick Grimm of KGMB-TV Honolulu was quick to point out that a growing number of affiliates do not receive compensation from the networks. And he predicted that in the future there would be no compensation.

Leach then said that while the concept of retransmission consent involves complex issues, that does not mean members are unsympathetic. There is "enormous attraction and sympathy for retransmission," he said.

Leach also said that moving cable legislation is going to be "tougher" in this Congress than during the last because of the opposition from the Republicans on the Telecommunications Subcommittee. As a "practical" matter, he said, a majority of the subcommittee would have to pass it. If Leach was skeptical about the prospects for cable legislation, Larry Irving, senior counsel to the House Telecommunications Subcommittee, was

more optimistic.

"The bill is going to move; we're waiting for the right time to move it. There's no question it's going to move," said Irving. The cable industry, he said, is "good at promotion." It sold last year's bill as a reregulatory bill when it really was a competitive measure, he added.

Moreover, Irving said Subcommittee Chairman Ed Markey was "trying to

BROADCASTERS DISCUSS DAB ALTERNATIVES

While the Eureka 147 system of digital audio broadcasting appears to be the front-runner in the race to establish a U.S. DAB standard (see "Top of the Week"), not all radio broadcasters or engineers appear satisfied with its capabilities—or lack thereof.

In fact, as the Eureka system has come under fire for a variety of perceived inadequacies, some broadcasters are beginning to focus attention on "in-band" DAB technology, where DAB stations would broadcast in the existing FM band.

To explore the differences between Eureka's spread spectrum system and this burgeoning interest in "in-band" technology, the Committee for Digital Radio Broadcasting convened a nonNAB-sanctioned meeting during the convention. CDRB Vice Chairman Mike Starling said the purpose of the meeting and the committee itself, was to "search for truth in digital radio."

To assist in this search, the CDRB invited eight proponents of terrestrial DAB to present to an open audience the fundamental benefits of their technologies and systems. These include, in order of presentation and in chronological order of system development: Emil Torrick, Eureka 147/DAB; Lloyd Englebrecht, Stanford Telecom; John Leonard, Kintel Technologies; Paul Donahue and Tony Masiello, USA Digital Radio; Tom Duffy, Mercury Digital Communications; Etienne Resweber, Synetcom Digital; Steven Kuh, LinCom and William Spurling, American Digital Radio.

Committee members voiced a number of concerns facing virtually all proposed DAB systems. Among them:

- Whether enough spectrum exists for implementation of the Eureka 147 system, and if it does, whether it can be made available to radio broadcasters.
- Whether the Eureka 147 system is economically or logistically practical, either to the radio broadcasters or the U.S. radio industry.
- Cost of implementation and maintenance of all systems.
- Whether all existing AM and FM stations can be accommodated under adoption of any current DAB plan.
- What effect so-called "parity" between AM and FM stations would have on market competition.
- Whether "in-band" technology, since it falls in the FM band, excludes AM stations from digital broadcasting.
- Whether the Eureka system can recreate today's allocations and classes of FM stations.
- Whether mobile receivers (car radios) can be adapted to pick up CD-quality DAB transmissions.

Also of concern was multipath interference and how DAB transmitters and receivers might alleviate this nuisance. Because most DAB technology thus far has only been tested under laboratory conditions, the answers to these and other questions still are elusive. To this end, members of the CDRB suggested that a program be developed whereby each system could be tested under "even playing field" conditions.

—REB

reach a consensus" with the Republicans. The White House is working hard to kill the initiative and has asked House Republicans to oppose it on behalf of the President.

The prospects for moving a cable bill in the Senate are "unclear," said Greg Chapados, an aide to Senator Ted Stevens (R-Alaska), a member of the Commerce Committee. He said there is "less

Republican interest" in a bill. Still, he said the Congress has basically just gotten underway and that there was "a lot of time left" to move the measure.

Chapados also thinks the issue of telco entry into video services will "not go away." He said members "dread" having to vote on it. Cook said the committee will deal with telco entry separately from the cable legislation. Al-

though, she also said there is more "broad-based" support for allowing the telcos to operate as a video dial tone service without any ability to control content.

Irving said he thinks there is more "momentum" behind the telco entry issue than there was last year and said the subcommittee will convene hearings on the subject. -KM

HANDFUL HEAR ADVERTISER GRIPES

Few operators attend session in which advertisers complain that stations aren't interested in what they have to say

Telelevision station operators who attended a morning panel session hosted by Television Bureau of Advertising President Jim Joyella were given the opportunity to talk with decision makers at some of the biggest television advertisers. But fewer than two dozen operators attended, a fact that appeared to confirm the four panelists' general theme: that TV stations aren't interested in listening to their customers.

Phil Guarascio of General Motors was the most critical of TV stations: "We have come to the conclusion that the local TV industry, as far as working with national advertisers, is becoming a dinosaur. We are frankly disturbed by a lack of cooperation and marketing thinking...and disturbed because we need you."

Robert Ward, director of Advertising Services, said broadcasters needed to decide whether they were "in the broad-

cast business, or are you local market purveyors of goods and services?" Miller, he said, needs TV stations as "local marketing agents" to work with the brewer's roughly 860 distributors.

Robert Watson, director of advertising services for AT&T, said that station reps and sales people should do a better job of understanding an advertiser's specific needs, rather than arriving at their office with a preconceived pitch: "We don't need to know how tall your tower is...we need you to listen 90% of the time." Watson specifically suggested sponsorships as a good way for stations to get AT&T business. He noted such arrangements are more likely to continue the next year and beyond than a traditional media buy. Miller's Ward added that those media companies that are able to form strategic alliances with an advertiser are likely also to be the last to have

their buys cut.

John L. McMennamin, vice president, marketing services, Carnation Co., said that while sales of food are better than those of Detroit, the company is also working on its marketing strategy, and has consolidated all of its media buying with one agency.

Guarascio cited a GM ad campaign that promotes discounts for active military personnel. The campaign has been very effective without TV stations, he said, using instead military newspapers, radio and local cable. He also said it was significant that no TV stations called up to ask why they weren't included in the buy. But, under questioning by station operators in the audience, including Peter Desnoes of Burnham Broadcasting, Guarascio said that the decision not to use local TV was based on an ad agency recommendation using GM's own research that showed TV was less cost-effective for short-term promotions: "The agency didn't want to pay for an audience far in excess of what we needed."

The GM executive director, advertising and strategic marketing, also acknowledged that TV stations' access to the advertiser is difficult: "I guess it is a problem...we get 2,000 calls a week and they are generally referred back to the agency." Said Miller's Ward: "In some ways, we have set up agencies on a CPM basis."

But Guarascio said that agencies may be becoming more responsive to promotion ideas and more flexible in the approach they take at the individual market: "More tactical decisions are being pushed down to the local level."

Asked about advertiser interest in high-definition television, none of those present indicated a strong need for the improved definition. Said Ward: "I would rather that broadcasters spent their money on marketing and training of their sales people...the industry is so wrapped up in technology." -GF

FRITTS URGES UNITY IN FACE OF CHALLENGES

Today, there are issues of such magnitude on the horizon that it is imperative we speak with a strong singular voice," NAB President Eddie Fritts told his industry at the convention's opening session.

"We face changes to the structure and technology of television and radio that will require all the strength and persuasiveness we can muster. These are challenges of a new order," he added.

Fritts was referring to the "march of new technology: an explosion of fiber optics, digital audio broadcasting, high-definition television, satellite and new compression technology that will greatly expand cable and fiber offerings."

These issues, Fritts said, cannot be ignored. "To accomplish our goals, we must advocate our views aggressively and we must speak with one loud, clear voice."

He warned that if the industry "continues to splinter itself because of parochial self-interest, we will not have the necessary persuasive power to help shape our vision of fair competition in tomorrow's marketplace." Furthermore, if the industry only tries to maintain the status quo, "we will fail," he said.

Fritts quoted Mark Twain as saying that "Thunder is good, thunder is impressive, but it is lightning that does the work." What Twain did not say, added Fritts, is that thunder and lightning are inseparable. "For broadcasters in the 1990's we can make lightning strike by joining our timeless standard of public service with a new level of unity. Together, they will enable us to speak with a thunderous voice and, more importantly, with a powerful effect." -KM

COX'S KENNEDY TELLS MSTV TO UNITE AGAINST TELCOS

Preserving the statutory and legal barriers against telephone companies entering the television business is vital not only to cable operators, but also to broadcasters, Cox Enterprises Chairman James Kennedy told members of the Association for Maximum Service Television meeting last week at the NAB convention.

In a separate warning to the membership, Julian Shepard, MSTV vice president, general counsel, said the idea of the FCC auctioning spectrum, including broadcast spectrum, "has left the realm of academic discussion and entered the legislative arena" and is threatening broadcasters' ability to broadcast HDTV in the future.

"The phone companies want to own the product, they want to create the product and they want to distribute it," said Kennedy, whose company has invested heavily in broadcasting and cable.

"If they are allowed to do this on their own wire, it will be virtually impossible to protect against cross-subsidization and the use of their vast existing monopoly to disadvantage their competitors," he said.

If the telcos are successful in Washington in eliminating the prohibitions, "eventually broadcasters will suffer as well as cable operators," he said. "This is not just a cable battle and I urge you not to be complacent."

Kennedy also championed one of MSTV's major goals—preserving broadcast spectrum. It is "absolutely vital" the industry protect existing television broadcast spectrum for HDTV and "other new improvements that might come along," he said.

Others are clamoring for the spectrum, claiming that much of it is going unused, he said. "We all know it is not wasted space."

MSTV's vigilance in preserving broadcast spectrum over the years is the only reason sufficient spectrum is available today for broadcast HDTV, he said.

Kennedy also endorsed Congress's current effort to reallocate 200 mhz of spectrum from the government to commercial use. "It could provide some space for emerging technology such as DAB satellite services and some land-mobile usage," he said.

Underscoring Cox's interest in new technologies, Kennedy noted Cox was the first cable operator to receive FCC permission to test personal communications services (PCS).

The tests, which will get underway at Cox systems in New York and San Diego,

could lead to the introduction of what "visionaries" see as "high quality telephony on a mobile basis in the home."

However, the technology is unproved, Kennedy said. "All we've got is a license to lose money through experiments, but we are willing to do it."

PCS fits with Cox's corporate philosophy of "actively working to provide new services without taking away from the services we are in," added Kennedy.

The Media Group, a consortium of Cox and other companies with broadcast and cable interests, is grappling with developing a must-carry scheme that both industries can live with, Kennedy said. It is not easy, he added.

"We are struggling with the particularly thorny issues of how cable and broadcasters control their own intellectual property," he said. "Who has the right to the intellectual property and who has the right to receive money for that intellectual property?"

According to Shepard, Congress's effort to give the FCC authority to auction spectrum is motivated by the soaring federal deficit, the "explosion" in demand for spectrum from all quarters and the profits people are making from the sale of spectrum granted by FCC lotteries.

If the legislation, which has the backing of the Bush administration but not of

key congressional leaders, is passed, the FCC would become, in essence, "a spectrum merchant with the profits going into the U.S. treasury," Shepard said. "Spectrum users would have to pay an upfront levy to the federal government," he said.

If with its newfound congressional authority the FCC decides to award broadcast simulcast channels by auction, Shepard said, "the consequence...would be to drastically raise the cost of entry of television broadcasters into HDTV, adding to the cost of building entirely new transmission and production facilities."

Even if the FCC chooses not to use auctions in the award of broadcast spectrum, it still threatens the medium by shrinking the pool of broadcast spectrum available. Auctions, added Shepard, would "create incentives to maximize revenues by allocating...spectrum to services subject to auctions rather than [to grants based on] public interest factors."

According to Shepard, the public interest is broadcasters' shield against spectrum auctions. "The value of providing free and universal local TV service far outweighs any theoretical or short-term economic benefit from spectrum auctioning."

—NAJ

PROFIT BEGINS AT HOME

Three examples of profitable local programming were provided by major-market general managers, who also attempted to make those examples relevant to the mostly smaller market station managers who populated the audience. The session, "Share In: Home-town Television—Local Programming for Profit," was moderated by Debra Zeyen of Group W Television.

One idea, from KRON-TV San Francisco, was locally produced rap videos, focusing on diverse themes ranging from history to poetry. Amy McCombs, general manager of the station, said the programming has the ability to bring adults and teen viewers "together in the same room." The programming, other than staff costs, is not very expensive either, she said, and added that the segments have found some advertisers who "want to be in quality programming."

A long-running local show, *Bozo the Clown*, was discussed by Dennis Fitz-

Simons, general manager of WGN-TV Chicago. The show, now in its 30th year, has a five-year waiting list for those wanting to be part of the in-studio audience, said FitzSimons. He added that it costs about \$700,000 a year to produce, and that it has a 40% profit margin.

A more expensive locally produced show is *Good Day New York*, a morning show produced by the Fox-owned station in New York, WNYW-TV. The station's general manager, Carolyn Wall, said that with a staff of about 45 people, including between three and five remote crews, the show costs between \$85,000 and \$100,000 per week. Although *Good Day* has taken more than two years to turn a profit, Wall said it has now turned out to be very successful with advertisers, some of whom, such as Maxwell House and Tropicana, have paid to be named as exclusive advertisers in their category.

NEW FIN-SYN RULES DISAPPOINT WHITE HOUSE

NTIA's Janice Obuchowski says Bush administration wanted less regulation, more 'liberalization' of financial interest-syndication rules



Obuchowski, Duggan, Barrett and Quello

National Telecommunications and Information Administration head Janice Obuchowski said last week the FCC's newly adopted financial interest and syndication rules fall short of the Bush administration's expectation.

"On fin-syn, our position was less regulation is more," said Obuchowski at an NAB session also featuring three FCC commissioners. "We would have preferred more movement in the direction of liberalization of these rules."

The administration is pleased the rules at least allow the networks into foreign syndication, she said. "We are also pleased to see that there is a waiting period that is limited."

To prevent the networks from extracting financial interest and syndication rights in outside produced programs for less than what they are worth, the rules require the networks to wait 30 days after negotiating the basic licensing contracts (for network airing) before negotiating for interest and backend rights.

Obuchowski's endorsement of a "limited" waiting period is surprising. In comments to the FCC, the NTIA advocated requiring the networks to wait until after a program had been put on the network schedule before negotiating for backend rights.

What is not surprising is the administration's unhappiness with the new rules, which were adopted April 9 by a 3-2 vote. (BROADCASTING, April 15). The Justice Department and the President's Council of Economic Advisors

have advocated complete repeal of the original and near-absolute fin-syn restrictions.

The networks, which pushed for repeal, and the Hollywood production community, which favored preserving significant restrictions on the networks, were also disappointed by the FCC action. Both have vowed to appeal it at the FCC and, if necessary, in the federal courts.

"As long as you have the egos that were at work here, this issue isn't over," Obuchowski said, leaving some wondering whether she was referring to network and Hollywood executives or the FCC commissioners.

Obuchowski shared the session's dais with Commissioners Ervin Duggan, Andrew Barrett and James Quello. Duggan and Barrett voted for the new rules; Quello dissented.

Barrett defended the rules as "not that bad" for the networks. "Over the long haul, the networks will benefit," he said. He also defended his insistence on allowing the networks into foreign syndication. "I could not justify in my mind how...you keep American companies out of that area when you consider all those quotas" foreign companies have on the importation of American programming, he said.

Although both sides are unhappy with the FCC action, Quello said, the networks "have much more reason to be unhappy."

Hollywood and the networks are "trashing" the new "compromise"

rules because they "wanted it all," Duggan said. "They are disappointed, even angry, they didn't get [it] all."

"We need to understand: however far short this decision may fall on what one side wanted...it is substantially deregulatory and it substantially opens up opportunities for the networks."

Other highlights of the session:

■ Duggan expressed doubts about the FCC's ability to correct problems in the cable marketplace through its current "effective competition" rulemaking, which will determine which systems are subject to municipal rate regulation. "We are going to try to do a sensitive and effective job of defining effective competition, but I do not have any great sense that we will succeed in any ultimate way," he said. The only cure for cable is competition, he said.

■ Quello said he would like to include a requirement that cable systems carry local broadcast signals in the FCC new "effective competition" rules, although he acknowledged the inclusion poses a "pretty tricky legal issue."

■ Barrett said he would prefer to consider must-carry as a separate proceeding.

■ Following the session, Duggan told BROADCASTING he would consider must-carry in the "effective competition" proceeding, but only if he is convinced it is "germane."

■ Duggan and Quello expressed skepticism about legislation that would give the FCC authority to grant spectrum through "competitive bidding" or auctions. Quello said he was particularly concerned about auctioning broadcast spectrum. But, he added: "It might be all right" for other services.

Duggan also indicated he would be reluctant to use auctions to award spectrum for services such as broadcasting that "have an impact on our culture." Auctions could further erode broadcasting's public interest standard, he said.

■ Duggan and Quello said they support FCC's planned review of broadcasting's multiple ownership and crossownership rules, although neither said he was yet prepared to relax any of the rules.

"We have to keep the rules up with the market," said Quello. "But how much and where [to relax the rules], I haven't made up my mind yet."

The review is warranted by the advent

of cable, which has transformed the competitive landscape, said Duggan, adding that he is ready to help Sikes sell the idea of the review on Capitol Hill.

■ Quello and Duggan said some form of satellite-delivered digital audio broadcasting services is likely to be authorized by the FCC, despite the opposition of many broadcasters.

Because it is difficult to say no to new technologies, Duggan said, DAB will likely emerge as a "hybrid"—part satellite, part station. Quello agreed. "I think we are going to have a little bit of both."

■ Speaking from the audience at the session, FCC Mass Media Bureau Chief Roy Stewart said the FCC may launch a

rulemaking on implementation of the lowest-unit-charge law, which requires broadcasters to provide low cost availabilities to political candidates for campaign spots. The thrust of the proceeding would be to clarify the law and implementing rules "so the responsible broadcasters know what's expected of them," he said.

—NAJ

NAB'S FIRST HDTV WORLD: ANTICIPATORY REALISM

It was not difficult to find those excited by HDTV's promise at the NAB's first HDTV World Conference and Exhibition. As Joseph A. Flaherty, CBS senior vice president, technology, described the scene, the exhibit floor held a "sweeping array of HDTV production and transmission equipment, much of it already in use, and research moving at a bewildering pace."

At the same time, a sense of realism was also dominant. Hard questions were asked about the costs of building new high-definition transmission and production facilities, and many questioned whether HDTV transmission will ever provide a return on investment.

The speeches at HDTV World's opening session were filled with descriptions of how far high definition has come and of how close it is to reaching its potential. Flaherty observed the 10th anniversary of HDTV's debut in the U.S. Tapes in the 1,125/60 format were shown for the first time in San Francisco Feb. 5, 1981. "That was the decade of development and demonstration. Today we begin the second decade. This will be the decade of decision and growth," Flaherty said.

Ten years ago, Francis Ford Coppola, director of the "Godfather" series of movies, was among the early advocates of electronic production using high-definition video. Coppola did some early HDTV productions "on the theory that even though the high-definition production wasn't ready yet for the public, we could still learn how to work with it so that when it was ready we could have 10 or 15 years experience. It sounded crackpot at the time," Coppola told an NAB audience. "I'm thrilled to see that there's so much [high-definition equipment] available that can be used now. I'd like to give you my assurance that the cinema is going to be electronic."

Others expressed the same enthusiasm for HDTV transmission's future. FCC Commissioner Ervin Duggan spoke of the 20-year lack of self-confidence people in the U.S. have had in their country. The rapid conclusion of the Persian



NBC's Michael Sherlock

Gulf war ended the "Vietnam Syndrome," Duggan said. "On the economic and technology side we've been in the grip of a pessimism that might be called 'the rust belt syndrome,' a lack of faith in our own power to discover and invent and market. I believe HDTV can break the spell of pessimism on that side."

Some felt the timing of HDTV's emergence is working out well for the United States. "I think actually in this case the delay [in laboratory testing of proponent systems] has been serendipitous because we've been able to accommodate the possibility of digital terrestrial simulcast broadcasting," said Richard Wiley, senior partner of Wiley, Rein & Fielding, Washington, and chairman of the FCC's advisory committee on advanced television service.

Several criteria will go into the FCC's final selection of a transmission standard. "I think, without getting into any specific order of priority, quality is a factor. I think we're looking at a significant, noticeable improvement," said FCC Mass Media Chief Roy Stewart. "And then I suppose there's another factor, and that's cost. Cost to the broadcaster in transmitting and studio facility and cost to the consumer in receivers."

"I probably don't need to remind you

of the primary agenda item for broadcasters at this year's NAB convention. The item is money," said Michael Sherlock, president, operations and technical services, NBC. "The financial picture for most broadcasters is tighter than ever." NBC, along with its other partners in the Advanced Television Research Consortium (ATRC), Thomson Consumer Electronics, North American Philips and the David Sarnoff Research Center, continues to propose the implementation of Advanced Compatible Television (ACTV), an enhanced-definition television (EDTV) transmission system, as a less costly, interim approach to full HDTV implementation. ATRC is submitting by ACTV and its digital simulcast Advanced Digital Television (ADTV) to the Advanced Television Test Center (ATTC) in Alexandria.

Next July, ACTV is to be the first of the six proposed systems to be tested. The system was to have been tested this month, before the latest delay in the test schedule was announced (BROADCASTING, April 8). Instead of packing up the actual ACTV hardware and sending it to Alexandria, ATRC sent it to Las Vegas where live demonstrations were organized in less than a week. "The pictures you're seeing are Advanced Compatible Television. It's ready. It's America's

next generation for television," Sherlock said at the demonstration.

The consortium's plan is to seek FCC approval for both ACTV and ADTV. While some broadcasters and cablecasters will choose to implement simulcast HDTV quickly, most will not, ATRC says. Widespread implementation of ACTV on NTSC-compatible channels will spur the public's interest in wide-screen TV and make the transition to HDTV smoother for broadcasters, it says.

One of the costliest aspects of the transition to HDTV transmission may be in the tower and antenna. Sherlock estimated that a majority of TV stations will be forced to replace their towers rather than simply sidemounting a new high-definition antenna when the new standard is implemented. Most towers are too loaded down with broadcast, microwave and other types of antennas to support a high-definition antenna as well.

Wiley encouraged the development of ACTV and of Super-NTSC, an EDTV system developed by Faroudja Laboratories, Sunnyvale, Calif., which is no longer part of the ATTC testing process. "I think it is in everybody's interest that HDTV be as good as it possibly can be.... I say, why not? Let's have it. But the FCC has also told us: 'Let's go for the gold. Let's try to have the best system we can,'" Wiley said. At the same time, Wiley said he is confident of HDTV's eventual success. "I think when there is something better, particularly wide-screen...the American people, when they buy a new set, will tend to purchase this equipment."

One HDTV World speaker, Jack Clifford of Providence Journal Broadcasting Corp., Providence, R.I., said he could not predict any return on the large investment broadcasters will have to pay for HDTV transmission facilities. While operating costs go up, the broadcaster will be unable to enhance his advertising revenue, Clifford said. Similar economic disincentives for HDTV implementation exist in the cable industry, where the addition of HDTV channels could mean the removal of established NTSC channels, he said.

But broadcasters advocating HDTV implementation commonly point to the potential threat of cable and other video media providing HDTV to the public before broadcasters. "For a broadcaster, the issue of cost is of paramount importance. I would also agree that competitive quality within a 6 mhz band is one of the most important factors, and competitive quality within the same time frame [as cable implementation] is particularly important," said Ward Huey,

of A.H. Belo Broadcasting, Dallas. "I think the return on investment would be impossible to speculate on and the incremental value of an HDTV commercial to an advertiser, I wouldn't know. Presumably, the value is there. I think the reason broadcasters would want to do HDTV is because broadcasters want to survive. They choose to compete."

Duggan's comments reflected the FCC's view that the future of broadcast TV may be at stake. "The extraordinary process that has brought us to the dawn of HDTV says that Americans will not allow [broadcasting] to decline and fall and become irrelevant," Duggan said. "Cable is a marvelous thing. But cable to this date is narrowcasting. It separates Americans into distinct interest groups." Broadcasting tends to unite people, he said.

Besides ACTV and ADTV, the four other proposed transmission systems were demonstrated as well on the HDTV World exhibit floor. The DigiCipher demonstration given at the National Cable Television Association convention by General Instrument Corp. (GI) was shipped to Las Vegas. The system was shown with "real time encoding and live satellite transmission in a four-signal mode," said Mark Medress, vice president, new business development in GI's VideoCipher Division. Medress stressed the flexibility of DigiCipher, especially for cable systems. With two bit-streams delivered in the compression scheme, "you can actually mix and match," he said. Two NTSC signals could be sent on the same carrier with an HDTV chan-

nel, he said.

Computer simulations of the system are being developed by GI's new partner, the Massachusetts Institute of Technology. The basic principles behind all four of the proposed all-digital HDTV transmissions are similar, said Jae Lim, head of MIT's advanced television research program. "The way it should be done is that the system [eventually chosen] should not be associated with any company," Lim said.

Zenith Electronics Corp., Glenview, Ill., one of the four all-digital entries, appeared to be unwilling last week. "If one didn't have a system and was going to lose anyway, he would be inclined to want a consortium," said Wayne Luplow, Zenith's executive director, advanced research and development. Neither MIT nor the other two all-digital proponents have come up with an interference-resistant modulation scheme to compare to Zenith's, he said.

Japan Broadcasting Corp.'s (NHK) Narrow-MUSE is set to be tested right after ACTV, tentatively next fall. Over the past year, NHK has developed a new modulation scheme for Narrow-MUSE designed to reduce interference with NTSC channels. "We believe this scheme can be used for simulcast broadcasting in the United States," said Taiji Nishizawa, NHK's deputy general director. "Our system is ready to be implemented." The equipment is awaiting shipment to the U.S. Tapes of baseband recordings through the Narrow-MUSE encoders were played on the floor at HDTV.

-RMS

DUGGAN LOOKS TO REDEFINE PUBLIC TRUSTEESHIP

Commissioner has vision of medium embracing mission of service, says country is "drowning" in its own freedom

FCC Commissioner Ervin Duggan is a fan of the public trustee concept for broadcasters, but he's not sure what it means. He's seeking out the similarly minded to help him better define it for the future.

Duggan made that the thrust of remarks to the Broadcast Education Association in Las Vegas April 14. Recalling a statement he once wrote for President Johnson on the occasion of the Public Broadcasting Act—"This new institution should inspire and delight the people of the United States..."—Duggan suggested a like mission for the com-

mercial broadcasting industry. He said the search for a concrete policy on this issue might proceed under the title: "The Public Interest Standard: Winged Steed or Dead Horse."

Noting the deregulatory bent of the FCC in the 1980's, Duggan said today's challenge is to abandon or reinvent that phrase with meaning. He called broadcasting "special" among media and noted it had an opportunity not only to do well but to do good.

Duggan cited—but did not endorse—the concept advanced by long-time public policy advocate Henry Geller as a

possible approach. It would say the public interest was satisfied if a licensee met a specified series of program standards and a 2% transfer fee was levied on every station sale, with proceeds going to public broadcasting.

The commissioner's preference for a more civilized demeanor in broadcasting was evidenced in his declaration that "we're drowning in freedom in this country." Further, he noted that a kite cannot function without its tether and that the sail on a sailboat must be disciplined by a mast—in the case of broadcasting, "a mast of principle that I would call the new public interest standard."

Two broadcasters responded to Duggan's remarks, as did a number in the audience. Gary Chapman of LIN Broadcasting and chairman of the National Association of Broadcasters TV board concurred with him in believing that broadcasting was special. He cited a number of public service campaigns that demonstrated his company's devotion to the public interest, and noted that such other media as newspapers, cable and telephones were free of such obligations as the lowest unit rate.

Chapman also inveighed against cable for not carrying broadcaster signals and said cable deregulation began the "slip-



Duggan, Chapman, DeVaney, Moderator Gerald Udwin, VP, Westinghouse Broadcasting

pery slide of free, over-the-air TV."

Al DeVaney, general manager, WPWR-TV Chicago, said "the recurring word is localism," and that while many independent stations can't afford local news, it remains "near and dear to our corporate hearts." Regulation that would assure independents being carried on cable would enable them to do more, he said.

A suggestion from the floor was that broadcaster profits be capped at a certain

percentage, with the excess plowed back into programming or given to less successful broadcasters. Duggan discouraged that idea, saying the problem was not one of excess profits and declaring: "I am friendly to the idea of broadcasters prospering."

At the end, Duggan declared himself more interested in encouraging broadcasters than in punishing them: "The real value of the Bill of Rights is not punishment, but a noble ideal." —DW

NTA OUTLINES ITS PROMOTION FOR AFFILIATES

Association's Chrisanthopoulos presents facts, figures on network and affiliate strengths; TAG's Henry emphasizes importance of community involvement

Affiliate station owners, group presidents and general managers took advantage of the NAB convention last week to assess the marketing of their stations as affiliates. Sponsored by several group owners who earlier formed the ad hoc Television Affiliates Group (TAG), the meeting also served as a forum to talk with network executives from CBS and NBC (ABC's Mark Mandala was unable to attend), who one year ago formed the Network Television Association (NTA), a marketing organization. At last Tuesday's meeting, NTA President Peter Chrisanthopoulos made a presentation on network television, which he said could be tailored to work for local stations.

Jim Sefert, chairman of Cosmos Broadcasting and one of the originators of TAG, told the assembled that the group's intent was to generate "positive publicity" for affiliates. Anchor Media President Alan Henry, another TAG founder, said stations should emphasize

their local community identity and involvement as well as their continued ratings dominance. He said a study of several markets showed that over the past five years the share loss by affiliates was less than five points.

Chrisanthopoulos repeated a presentation made recently before the Association of National Advertisers.

The first issue he addressed was network erosion, saying that the networks' share of viewing, when compared to their proportion of proliferating viewing options, had actually improved since 1980.

In absolute terms, Chrisanthopoulos said that the average network prime time show has a rating still twice that of Fox or syndicated shows, and more than 25 times the average cable show. He also said that there has been virtually no erosion in the networks' weekly reach, which, at 93%, is still far greater than either cable's or that of all independents, including Fox.

As an example of the three broadcast networks' superiority as programming systems, Chrisanthopoulos compared the NFL football ratings on ABC, ESPN and TNT, which were 17.2, 6.0 and 3.6, respectively, for national ratings, a disparity, he noted, that occurred despite the fact that the quality of programming and the homes using television during the respective games were similar. Similar comparisons were given for made-for-TV movies.

Among the other advantages of network television, said the NTA president, were its high accountability standards the creative media planning the networks have encouraged, and its effectiveness as a vehicle to reach upscale audiences and those who subscribe to pay TV.

A discussion between the station leaders and network executives following the NTA presentation explored possible means of cooperation. Anchor's Henry noted that stations recently completed

audience news research that they provided to the networks.

NBC Television Network president Pier Mapes said the NTA had not had a chance to formally discuss the matter, but mentioned that a planned on-air promotion touting "the power of the network system" could possibly be tailored for stations. CBS's Tom Leahy said that continued communications between the NTA and the affiliates was important. NTA's Chrisanthopoulos also said he was willing to make a tailored version of the network presentation in markets that requested it. **-GF**

SPECTRUM FEES UNLIKELY, CONGRESSIONAL PANEL SAYS

Based on comments made by a group of congressmen appearing on one NAB panel, there is little if any desire within Congress to impose spectrum fees on broadcasters.

"I don't see a head of steam behind a spectrum fee proposal," said Congressman Harold Rogers (R-Ky.). "A spectrum fee doesn't have a snowball's chance of passing," said Jim Sensenbrenner (R-Wis.). And George Sangmeister (D-Ill.) was equally skeptical of the prospects for passing any kind of spectrum fee bill. "I get the impression this is not going anywhere," he said.

However, at least one of the panelists was supportive of the FCC's proposed new user fee, which NAB considers to be a "spectrum tax."

Representative Bob Carr (D-Mich.) said revenues from a user fee could help alleviate the agency's budgetary woes. "I have concern about the health of the FCC; it's not a world class agency," he said.

Carr thinks the money should be used to cover FCC expenses and "solve the [financial] problems of the FCC and not the deficit." Broadcasters, he said, should be able to make their filings electronically, but because of budgetary restraints the commission can not provide that service. "I can't see how a \$150 or \$500 fee is going to break a station," Carr said.

But Rogers argued that a user fee is "bad policy." He said broadcasters are

given a license in exchange for their service to the community. To "switch that deal all of a sudden," he worried, would have a detrimental effect on broadcasters's public service obligations.

While he thought a user fee had merit, Carr expressed opposition to spectrum auctions. He also said broadcasters "get into trouble" when they sell stations at "astronomical" prices. "Congress notices that," he said. Sensenbrenner said he would not discount auctions if broadcasters were deregulated in exchange.

Carr's comments about the profits broadcasters have made from station sales elicited a strong response from TV executive Milton Maltz of Malrite Communications. He said Carr had "tarnished" the reputation of those "core" broadcasters who did not make a "killing" in the 1980's. "Wall Street put their hand in our pockets," said Maltz. He said those broadcasters who are "financially driven, don't know the difference between Saddam Hussein and broadcasting."

But Carr defended his remarks and said that "vast sums" of money were made and that is how members of Congress look at it. **-RUM**

SCOUTING THE SYNDICATION SUITES

Despite the hype leading into the NAB convention, the return of the syndication suites at the annual gathering proved less than successful in pulling station executives away from the exhibit floor.

Don Hacker, Tribune Entertainment Co. chief executive officer and president, was one of many in the suites who expressed disappointment with the low level of foot traffic. He noted that the location of the suites in the Las Vegas Hilton was too far from the Convention Center and that many station executives appeared to be leaving the convention by midweek.

Hacker said he would consider taking a suite again at an NAB convention, but probably for a shorter period of time. The NAB meeting remains a valuable opportunity for suppliers to discuss development plans with station executives, he said.

Buena Vista Television president Robert Jacquemin, like other suppliers, said much of his suite activity involved closed-door, prearranged meetings. He said conversations with stations focused not on selling shows but, as with Hacker, on discussing future programming endeavors.

The Warner Bros. Domestic Television Distribution suite served to "make it more convenient to see our customers," said president Richard Robertson. The NAB convention, he added, is an "earlybird way of checking with some of your clients."

Many attending program suppliers said they would have been at the NAB show with or without the suites, which were sold at a surcharge of approximately \$1,500 each.

A dozen program suppliers took suites at the show, including CNN Television/Turner Program Services; Conus Communications; ITC Entertainment Group; King World; Twentieth Television; Viacom, and Worldvision Enterprises. Previously scheduled LBS Communications had canceled just prior to the show.

SYNDICATORS DECRY NEW FIN-SYN RULES

The newly implemented financial interest and syndication rules allowing networks greater control over their programming will lead to a constriction of suppliers in the marketplace and less diversified programming, according to an NAB panel of top suppliers, "America's Watching—Syndicated Programming in the 1990's."

Robert Jacquemin, president of Buena Vista Television, among the dozen suppliers showing an increased presence at the annual convention, said: "I can't see anywhere in the rule that any public interest is being served. While it is the intention of the FCC to diversify programming, I believe the impact will be just the opposite."

Jacquemin said a local NBC affiliate, for example, might have trouble buying first-run syndicated programming under the revised fin-syn rules. His reasoning was that NBC, which as a network can



Jacquemin, Gillespie, Electronic Media's Ron Aldridge, moderator, Dowdle, Robertson

sell its shows to network owned or affiliated stations in up to 30% of the market nationally, would have its shows available to a minimum of affiliates once the NBC owned-and-operated stations took their 23% share.

"We really believe that the [original] rules were working," said Michael King, president of King World Productions. "This whole rule and the lobbying you saw in Washington wasn't over creating more programing. This is motivated by greed."

King said the rules as they now stand could lead to the block booking of network product overseas, thereby closing off an important revenue stream to other program suppliers. King said his company would not have been able to afford the \$25 million-plus launch of its latest show, *The New Candid Camera*, without the backing of the foreign marketplace.

The networks might now be looking for shows with international appeal, leading to more long-form programing and fewer sitcoms, said Dennis Gillespie, Viacom Enterprises president of

worldwide broadcasting, domestic marketing and sales.

"I think the big are going to get bigger," said Jim Dowdle, president of Tribune Broadcasting.

While panelists expected smaller suppliers to be knocked out of the business as a result of the new fin-syn rules, Warner Bros. Domestic Television Distribution President Richard Robertson said nobody at his sizeable company is "dancing in the aisles over the decision."

He said: "There will be a constriction in the marketplace of suppliers. The fox is now clearly in the hen house, and it's up to the hens to see if they can avoid getting swallowed up."

Robertson also joined other panelists in calling for a reexamination of the prime time access rule (PTAR), which prohibits off-network programing in access (6-8 p.m.). "The math doesn't work anymore for the producers of off-network programs," he said. "Anything that can take the pressure off the deficit [is] in the overall interest of the industry."

—RB

WAYS TO FIX STATION FINANCES

One panel session at the NAB convention having no trouble attracting an audience was "Working Things Out—Solving a Station Financial Crisis." The radio seminar was moderated by the NAB's Jack Goodman, who said that roughly 60% of radio stations are losing money.

John Feore, of Dow, Lohnes & Albertson, suggested five solutions for stations with too much debt. The first is to go back to the lender and seek a better deal. Feore said that banks in many cases needed to be properly educated and actually preferred not having to seize a station.

A second method for easing the pressure of debt is to seek new money for the

station. He said that equity was available from foreign investors and other sources.

A third possibility, which looked more toward a station's operation and which was much in discussion at last week's convention, is the use of a time brokerage agreement with another station. Feore said that so far, the FCC's Mass Media Bureau has issued letter rulings approving such arrangements in five different cases. But, he cautioned, there remain some "serious pitfalls," including the fact that the full commission has not given an official blessing to time brokerage. Furthermore, Feore said, anyone can file a petition to deny or a competing application for a station

involved in time brokerage, which might put the existing licensee at a comparative disadvantage.

Feore recommended against a fourth option—going dark—saying that it leads to a rapid deterioration of the station's assets and could possibly put the license in jeopardy at renewal time.

Mitt Younts, of Arlington, Va.-based Media Services Group, emphasized the importance of keeping those assets, plus any operating contracts, up to date. He also suggested that owners with financial difficulties make their staffs aware of the situation.

A fifth option, Feore said, is to put the stations in the hands of a "professional receiver," who would run the station until it was sold.

Other possibilities were discussed by Howard Liberman, an attorney with Washington-based Arter & Hadden. One arrangement, borrowed from real estate, is called "deed in lieu of foreclosure," and involves an owner turning over the station to the bank. The advantage, said Liberman, is that such a move would shelter the owner from personal liability. However, he also noted that one must deal with the demands of unsecured creditors.

Another arrangement is that the lender would help the owner find a new buyer, for whom the lender would create a new loan.

Liberman said there is occasional distrust between a lender and station owner when a contract between the two parties can be of help. The two parties would agree on an acceptable price and an acceptable broker, thereby removing suspicion by the bank that the owner was not really trying to sell the station.

Mary McReynolds, an attorney with Washington-based Haley, Bader & Potts, said that while the FCC will generally not renew the license of a station in bankruptcy, the commission staff might just "sit on" the renewal as long as there was no competing application. Feore said it was particularly important that station owners promptly respond to commission requests for information.

The NAB's Goodman noted that the commission has recently put out requests for comments on whether station licenses could serve as security for either lenders, or the reversionary interests of sellers. The panel did not seem to agree whether such changes in the rule—currently licenses can not serve as collateral in a loan—would improve the broadcast lending climate. Feore said the possible rulemaking could, in fact, throw into a panic existing lenders who might not have realized that their security in a loan did not include the license.

—GF

NAB SESSIONS TELL RADIO HOW TO REAP THE MOST FROM SPORTS, SPECIAL EVENTS

In its role as the primary target medium, radio is poised to reap some of the \$3 billion advertisers spend each year on marketing sports and other special events to niche audiences.

That was the overall theme of NAB's sports and events marketing sessions, which examined issues such as how to negotiate sports rights, how to get the most out of an event marketing plan, how to broadcast local sports for profit, how to create effective sports sponsorship proposals and how radio can benefit from its relationship with sports and promotional community events.

In a session designed to help broadcasters "Get the Most Out of a Special Event," Burson-Marsteller/USA Executive Vice President Al Schreiber said radio is "a perfect way [for advertisers] to break through ad clutter and reach a niche audience." Schreiber said the most important elements an advertiser is looking for are ability to reach a specified target audience, cost efficiency and exclusivity. If a station offers these elements to potential client/sponsors, it can create a profitable working relationship that can last long after the specific event has ended, he said.

Mark McCormack, CEO/chairman of International Management Group and author of "What They Don't Teach You At Harvard Business School," said an infinite number of opportunities are available to the aggressive radio marketer who focuses attention on a sports event. "Sports should be considered a part of the marketing mix rather than part of the programming mix," he explained. Citing the great success some stations have had as sponsors of such events as Virginia Slims tennis tournaments, McCormack described many opportunities available to a radio station: "Radio can provide barter possibilities in addition to cash; they can achieve outstanding visibility on other media; they can package their commercial airtime with hospitality events and sponsor ticket packages, and they can bring in charity involvement," he said. One-on-one customer entertainment, involving a specific valued client with access to certain sports events or personalities, also goes a long way in meeting sports marketing objectives, he added.

McCormack said the sports that would grow over the next decade are those for which the television networks are already paying hefty rights fees, such as certain Olympic events. Those

sports must also be easily televised, cost effective for the broadcaster, cheap to play, accessible to anyone and physically healthy. "Great opportunities will exist in volleyball, cycling and water sports," he predicted. McCormack also reminded the audience that he predicted soccer was going to be a big TV sport in the U.S. and that professional golf would become popular in South America.

Broadcasters also have to approach sports and event marketing with patience, rather than approaching it with a get-rich-quick scheme. "We go into everything we do thinking we'll lose money the first year, hopefully break even in the second, make some money in the third year and make a lot of money thereafter," McCormack said. He also warned that broadcasters should never become complacent and drew an analogy between the athletic champion and the athletic wash-out. "Never lose the desire to always win, always try to peak your performance when it's necessary, never start patting yourself on the back. Always strive to be better."

On the local level, sports sponsorships can add up to a large percentage of a station's gross revenues. A session examining "Local Sports For Profit" demonstrated various methods that broad-

casters—many of them small market—have used to sell high school and college sports sponsorship packages to local advertisers. Highlights were:

■ William Sanders, general manager of KICD-AM-FM Spencer, Iowa, said his stations generate some \$85,000 through sponsorship packages, state basketball tournaments, CBS Major League Baseball and Iowa Hawkeye sports play-by-play. Through a variety of incentives, Sanders said his sponsorships are almost always close to being sold out and "we've only had two sponsors ever cancel."

■ David Shepherd, general manager of KWIX(AM)-KRES(FM) in Moberly, Mo., said his stations generated more than \$160,000 in sports-oriented revenue last year, with over \$85,000 coming from high-school sports alone. "Over 60% of our sports revenues go to the bottom line," Shepherd said.

■ Rusty Shaffer, general manager of KBOL(AM) Boulder, Colo., said geographic and economic conditions have forced him to cut virtually all of his high-school sports coverage. Instead, he said, he concentrates on University of Colorado basketball games and other sporting events. KBOL(AM) still manages to derive 20% of his annual revenue from sports programming, he said. —REB

NEWS: MONEY WELL SPENT

Panelists advise investment in local news, warn that cutting costs for short term would be long-term mistake

A willingness to invest in a news operation despite difficult economic times will pay off for stations in the long run, according to an NAB panel, "Here's the Scoop! Moving From #3 to #1 in News."

"If anything is the plague of our industry, it's short-term thinking," said moderator Willis Duff, a consultant with Dallas-based Audience Research and Development Corp. He said stations need to invest now in news personnel and equipment to guarantee long-term success, a stance backed by station executives on the panel.

KHOU-TV Houston has had flat cash flow for three years in a row as it reinvests in the station, primarily in news, said station executive Allan Howard. His station's news operation has shown

growth for seven consecutive ratings books, he said, and is now a "strong number two" in the market.

Along with long-term investments, KHOU-TV and other news success stories on the panel emphasized the need for internal cooperation at their stations. Panelists agreed that a successful news department depends on the support of all staffers, ranging from engineering and operations to promotion and marketing.

"It is impossible for any department to win on its own," said John Butte of WFLA-TV Tampa. "Every department has to understand the goal."

Butte outlined a five-point strategy for turning around news programming, including a heavy research budget; strong

Continues on page 68.

PROGRAMING

NBC WINS BY A FEATHER IN PRIME TIME

Network records its sixth straight prime time win, ABC is second, CBS third

In the closest network prime time race in 25 years, NBC eked out a victory for the 1990-91 season by just two-tenths of a rating point over ABC, and four-tenths of a point over CBS.

That's in households. In the more important demographic tallies, there was no clear cut "winner," although NBC suffered significant declines across the board in key demo targets. ABC also had declines, although smaller ones than NBC, while CBS posted gains across the board. Fox's audience skewed younger this season, losing significant portions of its young adult component, while gaining among teens and children.

With the possible exception of ABC's *America's Funniest People*, no new hits emerged in the season just ended. As a result, network executives stress that next season's results may depend more heavily than usual on new season program development. "Who can grab momentum next is a key question, making development so important for next season," said Robert Niles, vice president, research, NBC.

David Poltrack, senior vice president, CBS Broadcast Group, suggested that both CBS and ABC have momentum based on the performance of returning programs. Eight returning CBS programs, including its Tuesday and Sunday movie time periods, showed improved ratings performance this season. Six returning ABC shows improved during the season.

NBC and Fox had no returning shows improve their rating compared to last season. Some of NBC's biggest hits were off dramatically. *The Cosby Show*, the fifth-ranked show of the season, was down 26% in rating, from a 23.1 rating last season to a 17.1 this season. *A Different World* was down 17%. But ABC's biggest hit, *Roseanne*, was also down significantly, 22%, despite finishing third overall.

"We are in a very dynamic period in prime time," said Poltrack. But despite declines in individual program performance, NBC managed to win a fourth

night during the season, the first time in its six-season run in first place that the network has won four out of seven nights, Niles said.

The final prime time household numbers for the season, which ended Sunday April 14, were: NBC, 12.7/21; ABC, 12.5/21, and CBS, 12.3/21. For its five nights of programing, Fox averaged a 6.4/11. A year ago, the standings were: NBC, 14.6/24; ABC, 12.9/21, and CBS, 12.2/20. Fox averaged a 6.5/11.

The 1990-91 season will go down in the record books as the second-closest three-way race in the history of network television, with four-tenths of a rating point separating first place from third, and two-tenths separating first from second. At the end of the 1964-65 season, the gap between first and third was also four-tenths of a rating point, with just one-tenth of a point separating second and first places.

The demographic performances for the season just ended will be a key factor in the upfront advertising negotiations, which will begin in June. ABC was first

among women 18-49. Even with a 2% fall-off in that demo, ABC had enough strength to topple NBC, which suffered a 13% drop, from first place to second. CBS was third with a 1% increase. Fox was fourth with a 10% fall off.

The pattern was similar for men 18 to 49. ABC was roughly flat in the demo, but NBC suffered a 19% drop, falling into a tie for second place with ABC. Fox fell 12% in the category and stayed in fourth place. The viewing trends were similar for men and women 25 to 54.

Among all adult women (18-plus), NBC held on to the top spot, but again was off most among the big three, 10%. CBS retained second place, down 2%, and ABC was third, off 3%. Fox was down 10% and stayed in fourth place. CBS's baseball and basketball sports packages clearly helped boost its adult male viewership. The network climbed from third to first among men 18-plus, up 5%, while NBC fell from first to third, off 16%. ABC was second, off 4% in the category, and Fox was fourth, down 13%.

SUMMER RUN

Viacom and Chris-Craft United Television are jointly financing the development of a new one-hour talk strip that will be tested on KCOP-TV Los Angeles and several affiliate stations this summer. The show will star a relative unknown, Montel Williams, 34, a former naval intelligence officer, who resigned in 1989 to devote full time to speaking out about drugs, literacy and other issues to the nation's youth. Williams, a former marine and graduate of the U.S. Naval Academy, has no previous background in television. In the last couple of years, however, he's appeared on countless talk magazine shows to discuss problems confronted by the nation's young. According to Michael Gerber, president of first-run and international distribution at Viacom, Williams was pitched to him as a possible talk show host by Hollywood filmmaker and agent Freddie Fields, who was looking for somebody to introduce the video version of his film, "Glory." The program won't be "inspirational" in tone, said Gerber. It's being designed as a fast-paced, broad-based program to compete head-to-head with the other talk strips in the market. After a 13-week summer run, a decision will be made on whether to continue the show for another cycle. A national rollout would occur in January 1992 at the earliest, said Gerber. Executive producers on the project: Fields, Herman Rush, former head of Columbia Pictures' first-run unit (when owned by Coke) and Williams' agent, Wesley R. Buford.

Audience levels in prime time were the same this season as last, with 60.1% of available homes tuning in on average. At the same time, the three-network share of audience dropped three-and-a-half points to 62.4. The three network rating fell from a 39.6 to a 37.5.

Network researchers believe that at least one full share point of this season's network erosion may be attributable to CNN viewing gains during the Persian Gulf crisis this winter. Since the end of the war, however, most of CNN's viewing gains have evaporated. Other factors, the researchers said, were Fox's expansion to five nights, PBS's *Civil War* and the addition of NFL football to

the TNT cable network.

According to an analysis of the Nielsen numbers by CBS, basic cable viewing was up about 3 share points during the season in prime time, pay cable and public television were flat, and superstations and independents were down.

The 1990-91 season marks the first time in four seasons that any network has posted a ratings gain—CBS's 2% gain over a year ago. NBC was the last network to post a ratings gain, for the 1986-87 season, when it climbed two-tenths of a point. The last time CBS did it was in 1980.

From sign-on to sign-off, across all dayparts, CBS also recaptured the title

of most-watched network (households), according to Poltrack. Ironically, CBS's gains come at a time when the company is projecting losses for the network for 1991 and is undergoing another traumatic round of layoffs affecting most divisions.

ABC World News Tonight was tops in the network evening news race during the season just ended, averaging an 11.5/22, up 6%. It was a horse race for second, with NBC winning by one-tenth, with a 9.8/19, down 1%, followed by CBS, 9.9/18, down 3%. In the key adult 25-54 category of news watchers, all three networks were up, in a pattern that matched households. —SM

AGENCIES HAND OUT DEVELOPMENT GRADES

With the networks having just completed the most closely contested prime time race in 25 years, each will be looking at its respective development slates for the project that could change the balance of power next season.

Last year's development slate was hailed by advertisers as a return by the networks to more aggressive programing and risk-taking. Boasting such projects as *Cop Rock*, *Hull High* and *Lifestories*, the development crop failed to yield a break-away hit during this just-completed prime time season. The current development pool has been described as a return to traditional concepts and formats, "lacking any breakthrough ideas or 'wowee' premises," according to the Foote, Cone & Belding/Telecom development report issued two weeks ago.

With little more than a month before the fall schedules are announced, each network is looking at its development crop for projects to plug specific holes on the schedule.

ABC ordered 39 development projects this year, more than any other network and six more than last year. According to the development report published by Saatchi & Saatchi, ABC's needs span Tuesday, Wednesday, Thursday, and Saturday, with tinkering done on the first three nights and "an overhaul" on Saturday. Saatchi predicts that the network may break up its powerful Friday night lineup, possibly moving *Family Matters* to shore up the weakening Tuesday night schedule.

With 26 development projects, some geared to an older audience, ABC is credited in the FCB report with steering part of its schedule toward "the fastest growing demographic segment avail-

able." "For many years, CBS has been criticized competitively for its appeal to a somewhat older audience. Now, in these days of abundant alternatives, zeroing in on the fastest growing demographic segment may be a brilliant stroke." Saatchi's report states the network's needs include time periods on Wednesday, Thursday, Friday, and Saturday, with an estimated six to seven replacement hours needed on the fall schedule. Saatchi predicts that CBS may use several "sophisticated comedies now in development," to "again try its hand at mature comedy on Friday nights."

"This could well be the watershed year for Fox. The novelty of this fourth broadcast network has worn off," says the FCB report. "Fox's long-term survival in a highly-competitive marketplace is going to rest on whether they can really develop and establish programming fare that has substance and longevity, not just short-lived promotional value." The Saatchi report suggests Fox

will target Friday and Saturday nights, bringing between two and three replacement hours onto the fall schedule. Saatchi predicts Fox may use *The Wayneheads*, a claymation project from *In Living Color's* Damon Wayans, as a lead-out for *The Simpsons* on Thursday night, or as the anchor of Fox's troublesome Saturday night lineup.

With Friday, Saturday and Sunday as the nights expected to get the most attention on NBC's schedule, Saatchi & Saatchi suggests the first-place network may be the most aggressive by replacing six to eight hours of programming. "Looking ahead to next year, NBC seems to have the clearest focus of what needs to be done night-by-night, but the challenges, especially between Friday and Sunday, remain formidable." The report predicts NBC will find a compatible series to pair with *The Fresh Prince of Bel Air* to strengthen Monday night, and possibly use the James Garner project, *Man of the People*, to anchor its Friday night lineup. —SC

WARNER SHUFFLE: CARLIN ADDS OFF-NET, SAMPLES DEPARTS

First-run and off-network will remain separate for now, says Dick Robertson, leaves door open for consolidation "down the road"

In a major restructuring of Warner Bros. Domestic Television Distribution's syndication divisions, Scott Carlin has been given control of the off-network sales division, in addition to

continuing to head the first-run sales division as senior vice president of sales. According to Keith Samples, currently Warner's senior vice president, off-network sales, he had requested "reduced



Carlin

responsibilities" to pursue an outside program production career. Samples will be leaving April 30, but remains as a consultant to the company.

Under the restructuring, Carlin will report solely to WBDTD President Dick Robertson on day-to-day operations of both first-run and off-network sales activities. For Carlin, who has worked with Robertson for past 11 years (beginning at Telepictures in 1980, and through subsequent mergers with Lorimar Television and Warner Bros. Domestic Television), the consolidation of Carlin's power represents "a major vote of confidence," according to Robertson.

One New York-based station rep source said that Samples's departure came at an "opportune time" for the Time Warner Inc.-owned divisions to consolidate and "trim" both sales forces into one station sales division, suggesting that the worsening economy and occasional duplication of station sales efforts could be more efficiently managed under one roof. Robertson stated flatly that "current plans" are to keep both as "distinctly separate" sales forces, but he did not shut the door on other restructuring moves "down the road."

"If we collapsed [sales] into one division, it would not necessarily make the entire sales division any smaller," Robertson said. "People have to realize that we're effectively channeling our efforts on a number of fronts; the sales of new first-run [*The Jenny Jones Show* and *Love Stories*] and off-network programs [*Murphy Brown* and *Full House*], in addition to selling movie packages and concentrating on renewing existing first-run and off-network programming."

Carlin began his television sales career at Telepictures as an account executive in 1980, and rose through the regional sales ranks. When Telepictures merged with Lorimar in 1984, Samples was named president of the perennials division, which encompassed animation,



Samples

movies and vintage off-network programming. Two years later, Carlin became president of first-run syndication at Lorimar-Telepictures. He has been vice president of first-run at WBDTD since January 1989.

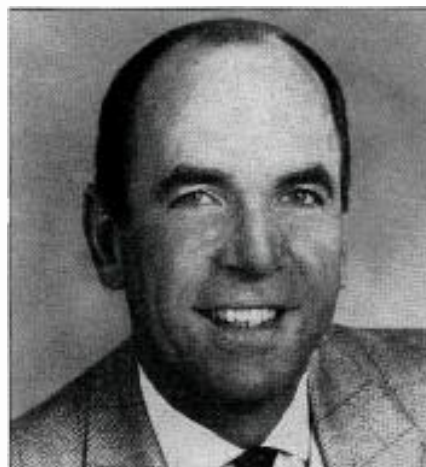
Carlin said his immediate mandate is "to maximize efficiencies in marketing and sales" within both divisions in recognition of the "tightening syndication marketplace."

Several sources believe the battery of strong, marketable off-network sitcoms from Warner Bros. will follow the industrywide cyclical decline anticipated over the next several seasons, and that Samples saw little career challenge now that sales of *Full House* (set to trigger in fall 1991) and *Murphy Brown* (fall 1992) are hitting 70% and 90% U.S. coverage thresholds, respectively.

Samples, who took over off-network sales in 1986, said that during the past year he had entertained the thought of reentering TV production. Samples has formed Rysher Entertainment, a new production company named after his son, Ryan, and daughter, Sheridan. Prior to joining Lorimar Sports Network as executive vice president, Samples spent two years (1984-85) as executive vice president of Sports Productions Inc. All told, Samples estimated that he had produced or directed more than 200 live sports productions for such cable networks as ESPN and USA Network.

Although Samples strongly believes he will successfully translate that experience to the production of sitcoms, talks previously with Robertson and Warner Bros. Chairman Bob Daly about production opportunities at the studio apparently were fruitless. Robertson would only say that an "immediate opportunity" for Samples to set up shop on the lot was "unavailable."

According to a source with close ties to Tribune Entertainment Co., Samples has had talks about his new production



Robertson

company providing programming in an exclusive distribution arrangement with Tribune. It was stressed by the source that Tribune will not be a partner in financing Samples' production company. With just under three years left on his contract, Samples, according to sources, will receive a token consulting fee, effectively to prevent him from accepting a sales position with another distributor for the remainder of the contract.

—M

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'WHO'S THE BOSS?' HAS 'THE UPPER HAND'

ABC show, renewed for eighth season, has helped launch hits for network, including 'Roseanne' and 'Wonder Years'; British version is top-rated comedy there

For seven seasons, *Who's the Boss?* has anchored ABC's Tuesday night lineup at 8 p.m. and, in the process, helped launch the bulk of the network's comedy lineup series by delivering large audiences to the Tuesday 8:30 time slot. In the past seven years, ABC has used the 8:30 p.m. slot behind *Who's the Boss?* to launch current sitcom hits such as *Roseanne*, *The Wonder Years*, *Perfect Strangers* and *Growing Pains*. The series, which came close to failing in its first season, has been renewed for an eighth season and has spawned a duplicate program on British television.

According to Marty Cohan and Blake Hunter, co-creators and co-executive producers of the Columbia Pictures Television production, the British version of *Who's the Boss?*, called *The Upper Hand*, recently completed its second season and is the number one comedy on British television.

The two producers said they were approached two years ago by a producer from Central Television, an independent production company in Britain, about purchasing the rights for the format of the series as well as the scripts written. A subsequent deal was made with Columbia, and Central has produced *The Upper Hand* since for Channel 4, one of the commercial channels in Britain.

As part of the deal, Christopher Walker, producer of the British version, travels to Los Angeles each year to choose scripts for the upcoming season. *The Upper Hand* has been given a 13-episode renewal order for next year and Cohan said Walker will be in Los Angeles in June to choose next season's scripts. "Thirteen episodes is a big order for them," said Cohan, adding: "The British television season is approximately half as long as ours."

American producers have frequently adopted British television situation comedy formats for American television series: *Steptoe and Son* and *Till Death Do Us Part* served as British parents for *Sanford and Son* and *All in the Family*, respectively. "It's nice to see some of the ideas going the other way," said Cohan.

He and Hunter are developing a series idea from British producers, but more immediately, are in the process of writing a script for a one-hour comedy. Co-



'The Upper Hand'

han said they expect to have a pilot ready in July and, if picked up by a network, the series would be ready for fall or midseason. "The project is a light comedy with an element of drama or

mystery," said Cohan, adding that the pilot will be shot on tape using a new process being developed at Columbia that gives the appearance of film.

Cohan said *Who's the Boss?* almost did not survive its first year. In its debut, the situation comedy was scheduled on Thursday night at 8:30 p.m. against NBC's *Family Ties* and the second half-hour of CBS's *Magnum, P.I.* *The Cosby Show* was another new show that debuted on Thursday night that season and its instant popularity at 8 p.m. insured strong numbers for *Family Ties* at 8:30 p.m. and, as a result, poor ratings for *Who's the Boss?*. "We only lasted for two shows on Thursday night and ABC moved us to Tuesday nights, where we've been ever since," said Cohan. -SC

MAJESTIC GOES DOMESTIC

International distributor forms U.S. distribution arm

Majestic Entertainment, a U.S.-based international distributor with a library of 1,500 hours of long-form, series and special programming, has formed Majestic Television to acquire, develop and distribute domestic syndicated programming. Walter E. Baxter, president of Majestic Entertainment, has named John Campbell Collins, who left Associated Television International as its head of marketing, as vice president and director of domestic syndication for Majestic Television.

The expansion into domestic sales comes on the heels of the Burbank, Calif.-based company's sale of a 50% equity stake in Majestic Entertainment to Helms Resources. Approximately 25% of the equity stake in Majestic is said to be held by Helms chairman and CEO, Herbert Pearlman, a former top executive with Lorimar-Telepictures, and executive vice president, David S. Lawi.

Scott Hanock, Majestic Entertainment's vice president of international sales since 1986, said the input of capital will allow Majestic Television to embark on the development and acquisition

of new programming.

Although deals are pending on a variety of TV projects, Collins said the company is developing a live standup comedy strip that he will be pitching to the recently formed first-run programming consortium headed by Katz American Communications-represented stations and Viacom Enterprises. The proposed Atlantic City or Las Vegas syndicated comedy showcase, said Collins, will also be pitched to broadcast and basic cable networks for midseason 1991-92.

Another series project, *The Art of the Automobile*, is being developed with Advance Productions of Los Angeles to "exploit built-in advertising opportunities" with major domestic and foreign car manufacturers for a proposed half-hour weekly syndication or cable run some time next season.

More immediate plans include the trimming down of *Eagle's Nest*, a four-hour mini-series that was cablecast on The Discovery Channel and acquired by Majestic from an unnamed Dutch production company, as a pair of self-standing hour 1991-92 syndicated specials on the life of Adolf Hitler. -MF

RATINGS ROUNDUP

	7:00 PM	7:30 PM	8:00 PM	8:30 PM	9:00 PM	9:30 PM	10:00 PM	10:30 PM
MONDAY 4/8	ABC 11.7 / 19		MACGYVER (42) [11.5 / 20] 10.4 / 18 12.6 / 21		GM: MARK OF EXCELLENCE (39) [11.8 / 19] 11.6 / 18 11.7 / 19 11.8 / 20 11.9 / 21			
	CBS 14.9 / 25		EVENING (35) SHADE 12.3 / 22	MAJOR (20) DAD 14.6 / 24	MURPHY (7) BROWN 17.1 / 27	DESIGNING (6) WMN. 17.6 / 28	NORTHERN EXPOSE (24) [13.9 / 24] 15.0 / 25 12.9 / 23	
	NBC 11.3 / 19		FRESH (42) PRINCE 11.5 / 20	BLOSSOM (49) 10.5 / 17	NBC MONDAY NIGHT MOVIE—GIRLS OF SUMMER (42) [11.5 / 19] 12.0 / 19 11.2 / 18 11.5 / 19 11.1 / 20			
TUESDAY 4/9	ABC 14.5 / 24		WHO'S THE (41) BOSS 11.7 / 20	DAVIS (33) RULES 12.5 / 20	ROSEANNE (4) 17.8 / 28	COACH (8) 17.0 / 27	THIRTYSOMETHING (24) [13.9 / 25] 13.7 / 23 14.0 / 26	
	CBS 11.8 / 20		D. COPPERFIELD XIII (14) [15.5 / 26] 14.6 / 25 16.4 / 27		TUESDAY NIGHT MOVIE—ANOTHER PAIR OF ACES (52) [9.9 / 17] 9.9 / 16 9.4 / 15 10.5 / 18 10.0 / 18			
	NBC 12.1 / 20		IN THE HEAT OF NIGHT (27) [13.3 / 22] 11.4 / 20 12.7 / 21 14.3 / 23 14.8 / 24				SHANNON'S DEAL * (56) [9.6 / 17] 10.0 / 17 9.2 / 17	
WEDNESDAY 4/10	ABC 10.9 / 19		WONDER (39) YEARS 11.8 / 21	GROWING (42) PAINS 11.5 / 20	DOOGIE (29) M.D. 13.2 / 22	ANYTHING (42) LOVE 11.5 / 19	EQUAL JUSTICE (61) [8.8 / 16] 8.9 / 19 8.7 / 16	
	CBS 14.4 / 25		RESCUE: 911 SP. (31) [12.7 / 22] 11.8 / 21 13.6 / 23		JAKE AND FAT MAN (17) [14.9 / 24] 14.4 / 24 15.3 / 25		48 HOURS (12) [15.7 / 28] 16.1 / 28 15.3 / 29	
	NBC 12.1 / 21		UNSLVD. MYSTERIES (30) [12.8 / 22] 12.2 / 22 13.5 / 23		NIGHT COURT (31) [12.7 / 21] 12.0 / 20 13.5 / 22		QUANTUM LEAP (48) [10.9 / 20] 11.8 / 13 10.8 / 20	
THURSDAY 4/11	ABC 7.4 / 13		FATHER DOWLING (68) [7.6 / 13] 7.3 / 13 8.0 / 13		TWIN PEAKS (81) [5.7 / 9] 5.7 / 9 5.7 / 9		P. JENNINGS: GUNS (60) [8.9 / 16] 8.8 / 15 9.0 / 16	
	CBS 11.1 / 19		TOP COPS (58) [9.3 / 16] 8.7 / 15 10.0 / 17		ANTAGONISTS (55) [9.7 / 16] 9.0 / 14 10.4 / 17		KNOTS LANDING (23) [14.2 / 25] 14.0 / 24 14.5 / 26	
	NBC 15.3 / 26		COSBY (13) 15.6 / 27	DIFFERENT (2) WORLD 19.0 / 32	CHEERS (1) 21.1 / 34	SEINFELD (10) 16.1 / 26	L.A. LAW (50) [10.0 / 17] 10.4 / 18 9.7 / 18	
	FOX 8.3 / 14		SIMPSON'S (37) 12.0 / 21	BABES (77) 6.2 / 10	BEVERLY HILLS, 90210 (70) [7.4 / 12] 7.1 / 11 7.7 / 12			
FRIDAY 4/12	ABC 13.9 / 25		FULL (22) HOUSE 14.4 / 28	FAMILY (16) MAT. 15.0 / 27	PERFECT (33) STRAN. 12.5 / 22	BABY (35) TALK 12.3 / 21	20/20 (21) [14.5 / 27] 14.6 / 27 14.4 / 27	
	CBS 9.6 / 17		GUNS OF PARADISE (63) [8.3 / 15] 7.9 / 15 8.7 / 16		DALLAS (42) [11.5 / 20] 11.1 / 20 11.8 / 21		TRUE DETECTIVES (59) [9.0 / 17] 9.1 / 17 8.9 / 17	
	NBC 7.3 / 13		BLACK JACK (78) [6.1 / 11] SAVAGE 6.1 / 12 6.1 / 11		HUNTER (64) [8.2 / 14] 7.8 / 14 8.6 / 15		MIDNIGHT CALLER (68) [7.6 / 14] 7.4 / 14 7.8 / 15	
	FOX 4.0 / 7		AMR'S MOST WANTED (81) [5.7 / 11] 5.7 / 11 5.8 / 11		AGAINST THE LAW (88) [2.3 / 4] 2.6 / 5 2.1 / 4			
SATURDAY 4/13	ABC 7.8 / 15		YOUNG RIDERS (65) [7.9 / 16] 7.4 / 15 8.4 / 16		ABC SATURDAY NIGHT MOVIE—THE ENFORCER (66) [7.8 / 15] 7.4 / 14 7.2 / 13 8.2 / 16 8.3 / 17			
	CBS 6.7 / 13		FLASH (76) [6.5 / 13] 6.2 / 13 6.9 / 13		CBS SATURDAY NIGHT MOVIE—STROKER ACE (73) [6.8 / 13] 5.6 / 10 6.3 / 12 7.5 / 15 7.7 / 16			
	NBC 12.5 / 24		AMEN (54) 9.8 / 20	DOWN (56) HOME 9.6 / 19	GOLDEN (14) GIRLS 15.5 / 29	EMPTY (11) NEST 15.9 / 29	CAROL & COMPANY (37) [12.0 / 24] 12.5 / 24 11.4 / 23	
	FOX 4.6 / 9		FANTASY (86) PARK 3.1 / 6	YEAR- (87) BOOK 2.6 / 5	COPS (80) 5.8 / 11	COPS 2 (73) 6.8 / 12		
SUNDAY 4/14	ABC 12.6 / 21	LIFE GOES ON (72) [7.1 / 13] 6.1 / 12 8.1 / 15	AMR. FUN (17) VIDEO 14.9 / 25	AMR. FUN. (9) PPL. 16.5 / 26	USO SALUTE TO THE AMERICAN TROOPS (26) [13.7 / 22] 12.9 / 20 13.8 / 22 14.1 / 23 13.9 / 24			
	CBS 17.2 / 29	60 MINUTES (3) [18.8 / 34] 17.4 / 34 19.4 / 35	MURDER SHE WRT. (19) [14.8 / 24] 13.9 / 23 14.8 / 24		CBS SUNDAY MOVIE—ABSOLUTE STRANGERS (5) [17.7 / 29] 16.6 / 26 17.5 / 27 17.9 / 29 18.5 / 32			
	NBC 7.6 / 13	CENS. BLOOPS. (75) [6.6 / 12.7] 8.3 / 12 6.9 / 12	EXPOSE (78) VIDEO 6.1 / 10	R. LIFE J. (70) PAULEY 7.4 / 12	NBC SUNDAY NIGHT MOVIE—THE GREAT PRETENDER (62) [8.5 / 14] 8.2 / 13 8.7 / 14 8.8 / 14 8.4 / 15			
	FOX 7.7 / 13	TRUE CLR (85) 4.7 / 9	P. LEWIS (83) 5.4 / 10	LIVING (52) COLOR 9.9 / 16	GET A LIFE (66) 7.8 / 12	MRD. WITH (27) CHILD. 13.3 / 21	TOP OF (50) HEAP 10.0 / 16	COMIC STRIP LIVE (84) [5.2 / 9] 5.9 / 10 4.5 / 8

WEEKLY PRIME TIME AVERAGE	ABC 11.3/20	CBS 12.4/22	NBC 11.0/19	FOX 6.4/11	YELLOW = 1/2 HR WINNER
SEASON PRIME TIME AVERAGE	ABC 12.5/21	CBS 12.3/21	NBC 12.7/21	FOX 6.4/11	*—PREMIERE
NIGHTLY RATING / SHARE	(##)—RANKING	[##]—PROGRAM RATING / SHARE	HALF-HOUR RATING / SHARE	SOURCE: A.C. NIELSEN	

RADIO

NEWS-INFORMATION WINS BIG IN WINTER BOOK

Radio listeners turned to news and information stations during the Persian Gulf war, according to Arbitron numbers for the winter 1991 survey period. Music stations that kept their listeners informed also fared well.

■ **New York:** News formatted WINS(AM) jumped 1.3 points to a 5.7 and second place, while news WCBS(AM) gained 1.2 to a 4.4 and fifth place. Urban WRKS-FM retained its market lead by a tenth of a point, and oldies WCBS-FM remained steady at 5.0. CHR outlets WHTZ(FM) and WQHT(FM) both took a dip in ratings, with a 3.7 and 3.6, respectively.

■ **Los Angeles:** Soft adult contemporary KOST(FM) retained the lead with a 5.7, one rating point ahead of CHR KISS-AM-FM. Group W news KFWB(AM) jumped from a 2.9 in the fall to a 4.3, ahead of CBS news outlet KNX(AM) with a 4.0. KKBT(FM) held steady with a slight gain to 3.6, and Emmis Broadcasting's KPWR(FM) dropped to a 3.5.

■ **Chicago:** WGN(AM) kept the lead, but slipped from a 9.3 to a 7.8. All news WMAQ(AM) gained 1.8 to a 4.5, and all-news WBBM(AM) gained 1.1 to a 5.2. CBS's CHR WBBM-FM continues to make gains, jumping to 6.9. Another big gainer in the winter book was adult rock WXRT(FM), which went from 2.8 to 3.6.

■ **San Francisco:** KGO(AM) strengthened its domination of the market with a 0.6 increase to 8.9. Second place went to all news KCBS(AM) with a 2.0 gain to 6.7. CHR KMEL(FM) gained a point to 6.2, and nostalgia KFRC(AM) ranked third with a 4.5.

■ **Philadelphia:** Group W retained a solid 8.8 and first place with all-news KYW(AM), while co-owned WMMR(FM) took a dip from second to sixth, its rating falling from a 7.6 to a 5.4. Nostalgia WPEN(AM) gained 1.4 to a 6.9, and urban WUSL(FM) dropped to a 6.1. CHR gained in the winter book as both WIOQ(FM) and WEGX(FM) posted higher numbers.

■ **Detroit:** Full service WJR(AM) rose .5 to an 8.3, while urban WJLB(FM) remained unchanged at 7.2. All news WWJ(AM) held steady at 5.9 and third place, while easy listening WJOL(FM) claimed a 5.4. Another big gainer was talk WXYT(AM), jumping 1.3 to a 4.5.

■ **Boston:** WRKO(AM) managed to keep

the number-one spot, but dropped from 7.9 to 7.0. CHR WZOU(FM) lost some ground, dropping to a 6.9, but format competitor WXKS-FM gained a point to 6.7 and third place. WBZ(AM) also jumped from a 5.3 to a 6.5, while all-news WEEI(AM) gained 1.9 to a 5.9.

Numbers for Washington, Dallas and Houston—the seventh, eighth and 10th markets, respectively—were not available at press time. All numbers are based on persons 12-plus, Monday-Sunday, 6 a.m. to midnight, and are copyrighted by Arbitron.

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ARBITRON WINTER 1991 NUMBERS

Station	Format	Fall '90	Winter '91	Station	Format	Fall '90	Winter '91
1. New York							
WRKS(FM)	Urban	5.6	5.8	KSAN(AM)	Country	3.1	3.2
WINS(AM)	News	4.4	5.7	KITS(FM)	New rock	3.0	3.1
WCBS-FM	Oldies	5.0	5.0	KIOH(FM)	AC	3.4	2.9
WLTW(FM)	Soft AC	5.1	5.0	KROQ(FM)	AOR	2.2	2.9
WCBS(AM)	News	3.6	4.4	KSOL(FM)	Urban	2.5	2.9
WOR(AM)	Talk	3.9	4.3	KABL-AM-FM	AC	3.1	2.8
WNSR(FM)	Soft AC	3.5	4.2				
WBLS(AM)	Urban	4.0	4.1				
WPAT-FM	Easy	4.8	4.0				
WQHT(FM)	CHR	4.1	3.7				
WHTZ(FM)	CHR	4.7	3.6				
2. Los Angeles							
KOST(FM)	Soft AC	5.5	5.7	KYW(AM)	News	8.8	8.8
KIIS-AM-FM	CHR	5.1	4.7	WPEN(AM)	Nostalgia	5.5	6.9
KABC(AM)	Talk	4.3	4.3	WUSL(FM)	Urban	6.7	6.1
KFWB(AM)	News	2.9	4.3	WYSP(FM)	Classic rock	5.8	5.7
KLOS(FM)	AOR	4.6	4.0	WEAZ-FM	AC	5.8	5.5
KNX(AM)	News	3.2	4.0	WMMR(FM)	AOR	7.6	5.4
KKBT(FM)	Urban	3.5	3.6	WXTU(FM)	Country	4.2	5.4
KBIG(FM)	AC	3.8	3.5	WIOQ(FM)	CHR	4.8	5.2
KPWR(FM)	CHR	4.5	3.5	WEGX(FM)	CHR	3.7	4.2
KXEZ(FM)	AC	3.0	3.2	WMGK(FM)	AC	5.0	4.2
KLVE(AM)	Spanish	3.7	3.1	WWDB(FM)	Talk	4.8	4.1
KWKW(AM)	Spanish	3.3	3.1				
3. Chicago							
WGN(AM)	MOR/Talk	9.3	7.8	WJR(AM)	MOR, news/talk	7.8	8.3
WGCI-FM	Urban	7.2	7.4	WJLB(FM)	Urban	7.2	7.2
WBBM-FM	CHR	6.2	6.9	WWJ(AM)	News	6.0	5.9
WBBM(AM)	News	4.4	5.2	WJOL(FM)	Easy	4.6	5.4
WVAZ(FM)	Urban	4.5	4.8	WLTJ(FM)	AC	4.3	5.1
WMAQ(AM)	News	2.7	4.5	WWWW(FM)	Country	4.8	5.1
WCKG(FM)	Classic rock	4.1	3.9	WXYT(AM)	Talk	3.2	4.5
WUSN(FM)	Country	4.0	3.8	WHYY(FM)	CHR	4.9	4.2
WXRT(FM)	Adult rock	2.8	3.6	WCSX(FM)	Classic rock	3.4	4.1
WLIT-FM	AC	3.2	3.5	WKON(FM)	CHR	3.5	3.9
WLUP-FM	AOR	4.2	3.5	WNIC(FM)	AC	4.1	3.8
4. San Francisco							
KGO(AM)	News/Talk	8.3	8.9	WRKO(AM)	Talk	7.9	7.0
KCBS(AM)	News	4.7	6.7	WZOU(FM)	CHR	7.2	6.9
KMEL(FM)	CHR	5.2	6.2	WXKS-FM	CHR	5.7	6.7
KFRC(AM)	Nostalgia	5.3	4.5	WBZ(AM)	AC	5.3	6.5
KOIT-AM-FM	Soft AC	4.5	3.2	WEEI(AM)	News	4.0	5.9
				WBCH(FM)	AOR	5.2	4.7
				WNLX(FM)	AC	4.9	4.6
				WSSH-FM	Easy	4.1	4.4
				WHDH(AM)	Talk	4.0	4.2
				WODS(FM)	Oldies	5.8	4.2

We
did it!

KGO RADIO NUMBER 1

50 ARBITRONS IN A ROW.



KGO is proud to celebrate our 50th consecutive Arbitron as the San Francisco Bay Area's most-listened-to radio station. Proof, for more than 12 years running, that "Newstalk" is the best way to reach the entire Bay Area.

*Source: Arbitron - AQH persons 12+, Monday - Sunday, 6 am - 12 Midnight,
San Francisco MSA, Summer 1978 - Fall 1990.*

KGO NEWSTALK AM 810



SOLD IN 70% OF U.S.

BIRMINGHAM
+273%

CINCINNATI
+250%

PHOENIX
+175%

WEST PALM BEACH
+150%

HOUSTON
+150%

MILWAUKEE
+113%

HARRISBURG
+88%

DENVER
+80%

BALTIMORE
+80%

MINNEAPOLIS
+65%

CHICAGO
+78%

HARTFORD
+50%

ST. LOUIS
+30%

WILKES BARRE
+24%

PORTLAND
+27%

SACRAMENTO
+22%

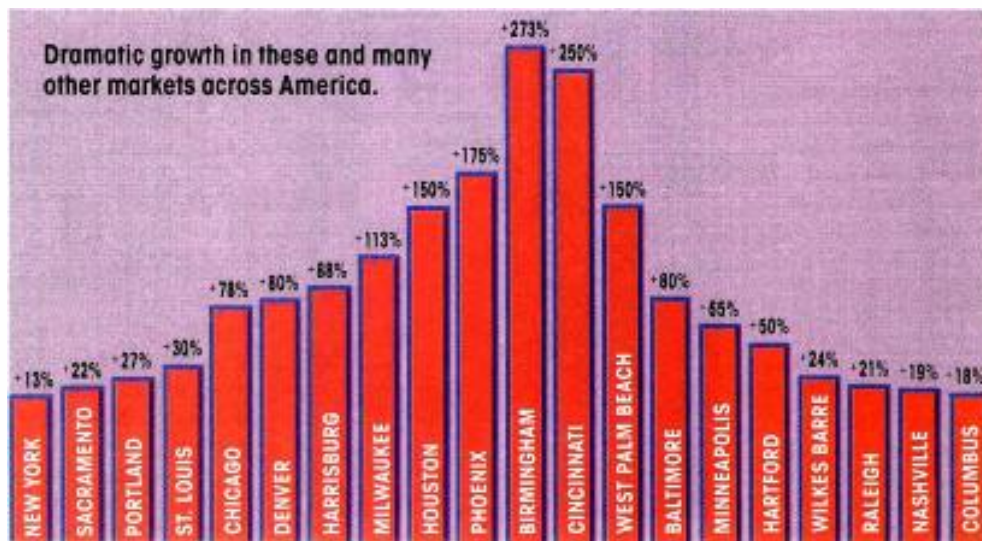
RALEIGH
+21%

NASHVILLE
+19%

COLUMBUS
+18%

NEW YORK
+13%

Women 25-54. For Joan, everything's coming up roses.



Source: NSI, Feb. 90-Feb. 91



Once again, a perennial favorite of American women, Joan Rivers, springs up with dramatic key-demographic ratings growth. The show continues delivering bunches of impressive numbers in important categories like Household and Demographic Rating and Share Increases and Time-Period Improvements. It's a popularity that stems from Joan's colorful guests, fresh topics, full flowering wit and warmth. Plant the Joan Rivers Show in your program line-up and you'll come out smelling like a rose!



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Contact David Sifford, Executive V.P./Marketing & Sales (615) 242-7017 or Ron Johnson, V.P./General Manager (213) 460-5316

Advertiser Sales

Contact Clark Morehouse, Senior V.P./Advertiser Sales (212) 750-9263



FCC TO INVESTIGATE MURDER HOAX

Enforcement division will determine whether fake crime confession broadcast by Los Angeles station DJ's violates commission rules

FCC Chairman Alfred Sikes has asked the agency's Mass Media Bureau enforcement division to investigate whether KROQ(FM) Pasadena, Calif. (Los Angeles), was in violation of commission policies when the station's morning disk jockeys broadcast a false murder confession last June.

The broadcast in question was part of the morning drive program with DJ's Kevin Ryder and Gene (Bean) Baxter. The pair had developed an on-air bit called "Confess Your Crime," in which listeners were encouraged to call the DJ's and reveal their personal "crimes" on the air. Among the responses broadcast on the air was from a listener who claimed to have killed his girlfriend.

However, the call actually came from Doug Roberts, a disk jockey working in Arizona at the time and a friend of Ryder and Baxter. Roberts subsequently joined KROQ as an on-air personality. The story was eventually picked up by NBC's *Unsolved Mysteries* television show, which aired a segment on Oct. 10, 1990, including a recording of the phone call.

It was after Roberts joined KROQ and after *Unsolved Mysteries* reran the segment March 6 that the similarity between the voice of the disk jockey and the phone caller's voice was detected. Steve Lerman, attorney for Infinity



Robert Stack, TV host of 'Unsolved Mysteries'

Broadcasting, told BROADCASTING last week that the police department notified the station management of the "voice recognition" evidence.

Infinity immediately began an internal investigation, said Lerman. In the course of the investigation, the DJ's admitted the hoax. Infinity immediately

suspended the personalities without pay, reprimanded them, and apologized on the air to listeners for the broadcast.

Roger Holberg, supervising attorney, FCC Mass Media enforcement division, said the incident is under review. As of Wednesday, April 17, however, no letter of inquiry had yet been sent to the station. He noted that the FCC does "have a policy against deceptive broadcasts." Holberg also added that the commission particularly frowns on deceptive broadcasts that lead public authorities to get involved. In the case of the KROQ broadcast, the local police and sheriff's department had both joined the investigation.

According to *Unsolved Mysteries*' David Rajter, the segment producer, the story initially looked good. "We ran it by our producers and by the police department," Rajter said, "and they said they had to take it seriously, so we went with it." (The show will air an update May 1, Rajter said.)

Infinity was fined \$6,000 last November by the FCC for broadcast indecency. The broadcasts in question aired during the *Howard Stern Show* on WXRK(FM) New York, WYSP(FM) Philadelphia, and WJFK(FM) Washington. Infinity is fighting the fines and the ruling, and said it was prepared to take the matter to court (BROADCASTING, Feb. 18). —lc

KROGER CHOOSES RADIO IN ATLANTA

Kroger Supermarkets is taking its battle for market share to the radio airwaves of Atlanta. The supermarket, which competes in Atlanta against Winn Dixie and Big Star supermarkets, has pulled its advertising money out of television for the second and third quarters of 1991 and will concentrate its efforts on radio, outdoor and newspaper.

Radio executives in the market now have the unusual opportunity to demonstrate the medium's strengths, particularly in reach and frequency, and to secure a new success story for the industry. No official totals have been disclosed, but some market sources estimate the value of the campaign could reach \$1 million for the two quarters.

According to sales executives in the market, Kroger officials outlined the company's objectives to radio station sales managers at a dinner. Bob French, general sales manager, WKHX-AM-FM Atlanta, told BROADCASTING the supermarket executives outlined six specific areas they wanted radio to address, and requested presentations from the stations. In particular, said French, they were interested in the promotional and value-added abilities of the

medium.

What the Kroger move could mean in the long run for Atlanta radio is contingent on how well the campaign goes. According to radio executives, Kroger seems to have covered all the right bases. "Nothing is forever," said Rick Mack, vice president and general manager, WAOK(AM)-WVEE(FM), "but we are excited to see that they are using radio the right way—buying good schedules, getting good reach, good frequency and using good creative."

"Kroger officials indicated that they had campaigned hard to give radio an opportunity to show its strength," said John Hogan, general manager, WGST(AM)-WPCH(FM), "and they have been very active in soliciting ideas from radio stations." Stations are working hard to come up with quality creative, according to Hogan. "It's an exciting opportunity for us, to have an advertiser as strong as Kroger try this," he said, "and they have been very generous with information and in working with us as promotional partners. We think we are in a position to help them—and if we help them they will come back for the next campaign." —lc

RIDING GAIN

SEVAREID JOINS 'MARKETPLACE'

Eric Sevareid will join American Public Radio's *Marketplace* program, beginning today, April 22. Sevareid's commentaries will air on alternate Mondays as a regular feature of the show. Sevareid will offer his perspective on topics ranging from the generation gap to money. He will also look at the social and economic issues facing society. *Marketplace* is a daily program about international business, finance and the global marketplace.

MORE TALK

The National Association of Radio Talk Show Hosts (NARTSH) will hold their third annual convention in Seattle, June 7. The group will present its "Freedom of Speech" award to a "surprise" recipient at the close of the two-day event.

WASHINGTON WINNERS

The Spokane Area Radio Broadcasters will receive the first Radio Advertising Bureau Marketing Partnership Award for its efforts to build up local radio revenue. Awards will be given out every month until the end of 1991 to a local marketing group or individual station that has done the most to enhance or extend the goals of the RAB's Radio Marketing Plan for the '90s. Winners are presented with a \$1,000 check from the RAB and become eligible for a \$5,000 "Best of Show" award to be presented at the RAB's 1992 Managing Sales Conference.

GOTTA BE ROCK 'N' ROLL MUSIC

Dick Clark will host a Unistar Radio special, *Back to the Bandstand with Dick Clark*, airing April 26-28. Clark will share his memories of hosting TV's *American Bandstand* in a three-hour special designed to give listeners a "behind-the-scenes" look at the TV program. Clark's guests will include Chuck Berry, Smokey Robinson, Dave Clark, Frankie Valli, John Fogerty and Sly Stone. The special will be available on a swap/exchange basis to stations in the top 170 Arbitron markets.

ALL BUSINESS

Evening California Drive host Chuck Ashman (below) helped set up the studio for the sign-on of KBLA(AM) (for K-Business-L.A.) last Wednesday (April 17), the new 24-hour, all-business radio channel



(1580) in Los Angeles. Ashman (who most recently hosted a talk show on KNBR[AM] San Francisco) hosts the 4 p.m. to 7 p.m. drive time, which KBLA program director John Darin described as a "virtual wasteland" in terms of listeners getting end-of-the-day market analysis and business feature stories. The station will carry Business Radio Network, ABC Network News and Wall Street Journal newfeeds, interspersing those reports with what Darin said will be a "full-service, featurish

news service that deals with national and local economic events and how it all affects the quality of life in southern California."

Before getting its new call letters, the station was known as KDAY(AM), an all-rap music station. Los Angeles real estate magnate Fred Sands bought the station from Heritage Communications for \$7.2 million ("Changing Hands, April 16, 1990). Sands also owns KNAC(FM) Long Beach, Calif. (Los Angeles), a hard rock-formatted station.

Darin said KBLA's 50,000 watts of transmitter power will be focused on a narrow "north-south corridor" straddling the Pacific Ocean coast from Laguna in the south to Malibu and Canyon Country in the north. "There are up to 13 million people working and traveling through that corridor daily, and it's hard to believe that in Los Angeles there has been no all-business station to serve their listening needs," said Darin. He said the target audience—male and female, age 35-plus—are "more money-conscious and career-oriented" than younger age groups.

KDAY newsman Lee Marshall returns to the air on KBLA as 5:30 a.m. to 9 a.m. *California Drive* co-anchor with Hetti Lynne Hurtes, followed by Darin and Dick Spanler as co-hosts of "Business Day" segments from 9 a.m. to 4 p.m. daily, and Ashman in the evenings.

BETTING ON RADIO

Washington-based Black Entertainment Television will be looking to radio to expand its business interests. Robert Johnson, president, Black Entertainment Television, would like to see the company become a "preeminent multimedia black company in the 1990's." Added Johnson: "My prediction is that by September 1992, we will be in the radio business."

There are a number of factors working in BET's favor as it looks to the aural medium. BET will be purchasing a satellite transponder from Hughes, said Johnson, which will give them the distribution system to launch a radio network.

The company already has the news, public affairs and music programming industries tapped for its television productions. "We have a tremendous amount of resources," said Johnson. "We have good relationships with the entertainers and sponsors; we have Hollywood studio facilities for production purposes—we are a natural to be in the radio business."

Johnson said preliminary conversations with agency executives have generated enthusiastic responses. The idea behind expansion into radio, he said, also includes the ability to become a "one-stop buy for black consumers." The cross-promotional opportunities that would present themselves would be "tremendous," said Johnson. The company currently has print as well as television interests.

CABLE

HEARST MINES FOR GOLD IN CALIFORNIA NEWS

Cox also said to be interested in starting statewide cable news service

Reservoirs may be drying up in California, but the river of news sources is on the rise. Hearst Corp. is in the early stages of developing a statewide cable news channel in California. Philip Balboni, special assistant to the president for special projects at Hearst, told BROADCASTING the company is talking to CAL-SPAN (a state version of C-SPAN) and major cable operators in California about getting involved in the channel. Sources also say Cox Enterprises, both a major cable operator in the state as well as owner of Oakland Fox affiliate KTVU(TV), is looking into a similar venture. Observers say Hearst is considerably farther along in its plans, although Balboni said he knows of no plans competitive to Hearst's project. Cox executives could not be reached for comment.

Although Hearst is at a disadvantage by controlling no cable systems, it may have a strong ally in one of the state's major MSO's, Continental, Hearst's partner in the New England regional news channel scheduled to start up at the end of this year, and anchored at Hearst-owned WCVB-TV Boston, an ABC affiliate. "We are very close to Continental," said Balboni. William Schleyer, Continental executive vice president, said, without mentioning Hearst, that the MSO is looking into a statewide California channel as well as a regional Los Angeles service. But one MSO executive, William Cullen, president of United Artists Cable of California, said he is not aware of a proposal from Continental to form a regional service in Los Angeles. Cox is also said to be courting MSO's, although few operators claim to know much about Cox's plans.

Hearst's channel would not be connected with its main California media property, *The San Francisco Examiner*, said Balboni, who did not rule out broadcaster involvement. Broadcasters in the past have examined local cable news in San Francisco and Los Angeles. It is likely, though, that Hearst could seek to become one channel with CAL-SPAN, according to Paul Koplin, executive director, CAL-SPAN, which is sup-



ported by cable operators. CAL-SPAN, which primarily covers the state senate and assembly, currently reaches two million homes with 10 hours of programming a week. Current plans are to air 40 hours of programming starting in 1992, including viewer call-in and roundtable discussion shows.

While Hearst is the only entity to approach CAL-SPAN so far, the channel has made no commitments. "We're exploring all options," said Koplin. With any partner, problems arise in meshing nonprofit CAL-SPAN with a private company, he said. "Some kind of joint venture is possible but we want to maintain our nonprofit stature." CAL-SPAN supports itself through subscriber fees and contributions from cable operators, but accepts no advertising.

A big problem for any starting service will be channel capacity, and although CAL-SPAN is currently seen parttime by only 10% to 15% of California cable subscribers (and mostly on local origination channels), it has an advantage by already being on the air, and, of course, is supported by the cable operators Cox and Hearst are courting. Attaching a statewide news channel to CAL-SPAN removes it as a competitor for channel space and also adds an aura of public service to the venture.

But one major MSO, Times Mirror, does not support the idea of merging CAL-SPAN with a statewide news service. "We wouldn't favor CAL-SPAN being positioned as a regional news channel," said Charles Ward, vice president, national marketing and program-

ing. "CAL-SPAN is a not-for-profit, public service...We wouldn't be in favor of anything that was editorially connected with CAL-SPAN." Ward added that Hearst had made no mention of equity for MSO's.

Balboni emphasized that Hearst is in the developmental stages of the channel and if it decides to go forward, the service would not be up and running this year. "We are developing a proposal

...and we're close to making an internal review on that [proposal]," he said. But there is good incentive for Hearst and others to get up and running in 1992. That is because 1992 is an election year and one in which California will have both its senate seats and seven additional congressional seats up for grabs.

How interested cable operators will be in a statewide news channel remains to be seen. According to UA's Cullen, Los

Angeles is in dire need of localized news coverage, but has some skepticism of a statewide channel. Balboni said Hearst, at some point, might be interested in having regional channels in major California markets. And in addition to interest by Continental in a Los Angeles cable news service, Times Mirror is a possibility. While Ward said the MSO has "no definite plans" to start a local news channel, he did not rule it out. —SDM

TURNER TAKES FLIGHT WITH AIRPORT CHANNEL

Proposed service is TBS's second foray into niche television

Coming soon to an airline gate near you: The Airline Channel, courtesy of CNN and its parent, Turner Broadcasting System.

TBS has put another foot forward into the world of niche, out-of-the-home television, following the successful testing (and soon to be national rollout) of the Checkout Channel, which features eight-minute Headline News at supermarket checkout lanes. With projections of only \$20 million in revenues by 1994, The Airline Channel, which offers no role for cable operators, fits the mold of a niche business. According to Turner executives at the New York press conference announcing the channel, more ideas for niche services are in the hopper.

Scheduled to be tested by three airlines June 3 through July 14, The Airport Channel is a 30-minute, updated newscast formatted especially for airline passengers. Culled from CNN and HL News coverage, it will also have additional reports such as travel features. Four to eight monitors will be positioned at each airline gate, to be viewed by passengers waiting for flights.

Delta, American and United have all signed up for the test covering 25 airline gates in three airports—Atlanta, Chicago and Dallas. If deemed successful, the channel will be rolled out in the fourth quarter of this year, initially expanding the number of the test airlines' gates as well as bringing on additional airlines in test airports and then targeting airports and airlines in San Francisco, Denver, New York, Memphis and Minneapolis.

Turner is paying for the entire operation to start, including the satellite installation, provided by Drossos Network, and monitor installation and design, provided by MPO Inc. When the channel begins its national rollout, TBS will likely bring in equity partners and

those likely will be the hardware providers, said Terry McGuirk, TBS executive vice president. In exchange for carrying The Airport Channel, airlines will get a percent of advertising revenue, but McGuirk would not disclose the exact amount.

In addition, each airline will get one 30-second spot per half hour. Each airport will have a headend and local insertion equipment, once again owned by Turner, and manned by two TBS staffers, to allow for the insertion. Airlines will also be allowed to add flight information to the bottom of the screen. The studio and headend space will be leased from the city regulatory agencies that control the airports. No FAA approval is required.

Seventy percent of each half-hour newscast will be devoted to editorial coverage with the rest allotted for advertising and promotional spots for TBS networks. Only two of six advertisers that will be involved in the test—GTE and General Motors—have been named, so far. John Barbera, presi-

dent, Turner Sales, said no ad rates have been set since TBS does not yet have any viewing data. He added, though, that The Airport Channel will not be sold in tandem with the Checkout Channel.

Just how to count the number of eyeballs viewing The Airport Channel will be one challenge for TBS during the test, although it will be easy to determine the potential audience through flight rosters. About one million passengers on average pass through the 25 gates being used to test the channel. TBS projects approximately 100 million "impressions" annually based on the three test airlines in seven airports.

Initially at least, The Airport Channel will use CNN and HL News anchors and staffers. As it goes into national rollout, it will hire 30 to 40 additional editorial and production staffers. It will be sold in three dayparts: morning/afternoon, evenings and weekends—to separate business from leisure travelers. If breaking news warrants, the channel has the capability to go live. —SDM

PLAYING BALL

Faced with the potential walkout of its 41 cable network technicians, and with previous New York Yankee requests to telecast the 1991 season's home opener on over-the-air television, Madison Square Garden Network brought the 1 p.m. ET, April 15 Yankees-Chicago White Sox game to New York via WPIX(TV) New York, rather than over MSG cable as originally scheduled.

The walkout did not materialize, and MSG technicians continued to work without a contract last week as they have since Sept. 25, 1990. MSG said it foresees no other Yankees schedule changes. "While we're fully prepared to present our full schedule should a work stoppage occur," said Robert Gutkowski, president of MSG Communications Group, "the Yankees felt it would be in the fans' best interests for WPIX to televise the game." MSG has purchased time from WPIX to air 55 Yankees games over the air this season.

SUPREME COURT UPHOLDS ARKANSAS CABLE TAX

In 7-2 decision, high court says sales tax does not discriminate against medium or violate First Amendment

The U.S. Supreme Court ruled last week that the sales tax on cable service imposed by the state of Arkansas was constitutional, dealing a setback to the cable industry. It is the high court's first ruling on the applicability of general sales taxes to cable service.

In a 7-2 decision, with Justices Thurgood Marshall and Harry Blackmun dissenting, the majority ruled that the sales tax did not unfairly single out cable operators and did not violate cable's First Amendment rights.

The National Cable Television Association was downplaying the ruling's significance. It said in a statement that "it's a disappointment, but everyone should understand this is a tax on Arkansas cable subscribers."

Faced with increasing financial pressures, many states have looked at taxing the media to generate revenue. According to NCTA, 25 states have some form of tax on cable, ranging from sales tax on cable bills, as is the case in Arkansas, to taxes on the rentals of converters or remote units. Cable sources point out that the states most likely to tax cable have already done so, and that efforts in other states such as New Hampshire, where the state house recently voted down a sales tax on cable, would continue regardless of the Supreme Court ruling.

But the high court ruling does give states "a green light," according to Eugene Sawyer, an attorney with Jack, Lyon & Jones, who argued the case for cable. Added Robert Sachs, senior vice president, Continental Cablevision: "This decision will provide the impetus for more states to use cable as a source of general revenue." Because sales taxes are passed along to subscribers, Sachs said, "this is really a loss for consumers."

In addition to the tax setback, there was also some disappointment that the court did not address cable's First Amendment status in the case when it had the opportunity, said Paul Glist, an attorney with Cole, Raywid & Braverman. "Most people were hoping the Supreme Court would take the occasion to explain cable's First Amendment rights," he said. Sachs said: "It doesn't do anything to further define the First

Amendment rights of cable operators." Sawyer saw the First Amendment fallout as "minimal to nonexistent. The whole decision is from a tax standpoint, not from a cable expression or regulation standpoint.... This is a scalpel approach."

In 1987 Arkansas extended its 4% sales tax to cable service, with counties allowed to add another 1% tax and cities another 0.5%-1%. A cable subscriber, Daniel Medlock; an operator, Community Communications, and the Arkansas Cable Television Association sued, saying cable was protected speech under the First Amendment, and thus not subject to tax, and that the tax itself was not levied against other media, violating the equal protection clause of the 14th Amendment. The state's Chancery Court ruled in favor of the state, which subsequently passed a law extending the sales tax to satellite delivery of television.

The state supreme court ruled the tax on cable was valid, but said the sales tax was unconstitutional for 1987 to 1989 when cable was taxed but satellite services were not. Taxes totaling \$8.5 million were collected during that period.

In an opinion written by Justice Sandra Day O'Connor, the majority said the fact cable is taxed differently than other media "does not by itself raise First Amendment concerns." Unlike decisions in *Grosjean v. American Press* and *Minneapolis Star & Tribune v. Minnesota*, the majority said the Arkansas tax does not unfairly discriminate against cable operators because it is "a tax of general applicability." The tax is extended to natural gas, electricity, water and utility services, telephone, hotels etc., it said. "The tax does not single out the press and does not therefore threaten to hinder the press as a watchdog of government activity," they said. They further pointed out that the tax was extended to approximately 100 cable systems, a large enough number that concerns about the risk of censorship were unwarranted.

The majority also said the tax "is not content based." Nothing in the legislature's decision to apply the tax to cable "has ever suggested an interest in censoring the expressive activities of cable television. Nor does anything in this re-

cord indicate [the tax] is likely to stifle the free exchange of ideas," the majority wrote.

Marshall, in his dissent, argued that although cable transmits by distinctive means, "the information service provided by cable does not differ significantly from the information services provided by Arkansas's newspapers, magazines, television broadcasters and radio stations.... By imposing tax burdens that disadvantage one information medium relative to another, the state can favor those media that it likes and punish those that it dislikes." Taxing cable, and not other media, "distorts consumer preferences for particular formats," Marshall wrote, thus impairing the widest possible dissemination of information.

Marshall said the majority's view that differential taxing is constitutional as long as the taxed medium is not too small [100 operators] "is no answer at all, for it fails to explain which media actors are entitled to equal tax treatment." It also doesn't explain, he wrote, where the line is drawn—"50 cable-service providers? Or 25?" In addition, he wrote that most communities are served by one operator, "a 'small' number even under the majority's calculus."

He also wrote there was no justification for taxing cable because of some "special characteristic." There is no corresponding social cost, he wrote, in providing cable service, adding that cable pays franchise fees in exchange for rights to public rights of way. Taxing to raise revenues, he wrote, "is not sufficiently compelling to overcome the presumption of unconstitutionality under the nondiscrimination principle."

In summation, Marshall wrote: "Under the First Amendment, government simply has no business interfering with the process by which citizens' preferences for information formats evolve."

The court did remand back to the state supreme court the question on the temporary tax distinction between cable and satellite because the state court did not address the 14th Amendment argument in finding the distinction constitutional. Instead, it threw out cable's claim that the First Amendment provided protection.

Sawyer said the remand provides cable the opportunity to win back the \$8.5 million in taxes collected during the two-year period when cable services were taxed, but not satellite services. In fact, Sawyer will be making a similar argument on equal protection grounds today before the state supreme court in a long-distance telephone tax matter. —MS

NCTA COMPILES EXAMPLES OF TELCO ANTICOMPETITIVE BEHAVIOR

Report says telephone companies continue to discriminate against competitors and force consumers to pay for ventures that do not benefit them

The National Cable Television Association logged in last week with a 44-page report detailing phone company abuses since the breakup of AT&T.

In "The Never-Ending Story: Telephone Company Anticompetitive Behavior Since the Breakup of AT&T," NCTA says the regional Bell operating companies continue to discriminate against actual and potential competitors and force consumers to underwrite ventures that do not benefit rate payers.

"The best efforts of conscientious regulators will not be enough to detect and prevent illegal acts," NCTA concludes. The report was released the day before U.S. District Court Judge Harold Greene heard final arguments in lifting certain restrictions of the 1982 modified final judgment.

On the NCTA abuse list:

U.S. West paid a \$10-million civil fine earlier this year after it admitted it violated the MFJ by offering the General Services Administration access to the lo-

cal telephone network at a lower price if GSA also purchased U.S. West switching services over AT&T.

Similarly, a court awarded \$15 million in damages in 1990 after finding Southwestern Bell guilty of charging directory publishing competitors higher prices for listing of telephone customers that SWB charged its own subsidiaries.

In 1988, the California PUC ordered customers' rates reduced by \$144 million to compensate for the telco's "deficient and unacceptable decisionmaking,...inadequate levels of performance in its investment justifications" and "an inability or failure to provide data required to justify such decisions."

NCTA pointed to NYNEX as exhibiting "perhaps the widest range" of misbehavior of any RBOC. NYNEX has admitted it engaged in information services businesses in violation of the MFJ. The Justice Department is seeking a \$1-million fine. The FCC fined NYNEX \$1.4 million for cross-subsidizing a sub-

sidary and also ordered \$68 million in additional rate reductions. This was after NYNEX agreed to refund \$50 million in overcharges in the case.

The FCC said state utility commissions have rejected rate hikes requested by telcos and instead reduced rates by more than \$3 billion since 1987.

The report also reviews policymakers' concerns about keeping an eye on telcos. FCC Commissioner Andrew Barrett has stated: "In my years of rate regulation, I've only seen maybe two states that could recognize a cross-subsidy if it was staring them in the face." Commissioner Ervin Duggan said he has a "nightmare" about a "60-story building" filled with FCC accountants needed to monitor telco cross-subsidies if they were allowed in the cable television business.

The report includes other examples of cross subsidization and cost allocation problems, discriminatory behavior and unfair competition, anticonsumer behavior, overcharges and excess earnings. —MS

CABLE TAKES IT ON THE CHIN IN COURT FROM CITIES

It loses in Missouri where franchise denial is upheld and in Arkansas where city overbuild is supported

The cable industry lost two other court cases last week—one on franchise renewals and one on municipal overbuilds—in addition to the Arkansas tax case defeat at the Supreme Court (see story page 52).

U.S. District Court Judge Edward Filippine, in the Eastern District of Missouri, upheld the denial of the franchise renewal of Rolla Cable System Inc. (owned by Omega Communications) by the city of Rolla. The court ruled the city's notification procedures on RCS's poor technical service fell within the bounds enunciated in the 1984 Cable Act in upholding the denial.

After RCS was denied a franchise renewal in August 1989, it brought suit, claiming the findings were not properly based on factors set out in the Cable Act, that the decision was not supported by the preponderance of evi-

dence, that the city failed to give proper notice and that the renewal proceeding was not conducted by an unbiased decision maker.

In the key finding upholding the renewal denial, the court ruled the city did have enough evidence to justify its actions. RCS sought to throw out testimony on its past performance, but the court said "past performance of a company... is highly relevant and may be considered in reaching a decision on technical ability." The city relied upon a consulting engineer it had hired and a city building inspector to determine that RCS lacked the technical ability to provide service it had proposed. The court said it "is satisfied that the franchising authority's decision... is supported by a preponderance of the evidence."

The court also ruled against RCS's claim that the renewal hearing was con-

ducted by an unbiased decision maker. The court ruled that RCS waived its rights to appeal the decision because it did not raise the prejudice issue at those points during the process when it perceived prejudicial statements were made against it.

RCS did win on one point concerning specific notification of technical problems. The city claimed that through letters from the city administrator, council members and a public hearing over a six-year period that RCS was put on notice. But the court said those communications "were not sufficient, for purposes of the Communications Act, to put RCS on notice of problems with picture quality" and poor service. "If the explanation of the problem is not specific enough, then the opportunity to cure be-

Continued on page 67.

BUSINESS

COMPLEX SPINOFF FOR DURHAM CORP. STATIONS

After FCC approval, buyers of Durham properties will form separate groups

In a complex series of transactions, the North Carolina-based insurance company, Durham Corp., is selling its broadcasting properties to the Financial Securities Fund Acquisition Corp., a group of investors that will then spin off the properties into various subsidiaries. The acquisition is valued at \$26.8 million. The investors will pay \$3 million in cash and tender 835,000 shares of Durham stock. At the time the sales were announced, the stock was trading at \$28.50 per share.

The Financial Securities Fund Acquisition Corp. comprises Bev Landstreet, president of Nashville, Tenn.-based Financial Securities Advisors; Don Curtis, a North Carolina-based broadcaster, and Jack Baily, a North Carolina-based investor. Curtis is president of Great American Media Inc., which owns WGBR(AM)-WKTC(FM) Goldsboro, WTA-B(AM)-WYNA(FM) Tabor City and WCPS(AM) Tarboro, all North Carolina.

The Durham Life Broadcasting Inc. properties are WPTF(AM)-WQDR(FM) Raleigh, WMXF-AM-FM Laurinburg/Fayetteville and NBC affiliate WPTF-TV Durham, all North Carolina, and the Southern Farm Network, an agricultural information/sporting event network with affiliates throughout the Southeast.

If the sale goes as planned, after the FCC approves it, the properties will be split into three groups. WPTF-TV will be controlled by the Financial Securities Fund Acquisition Corp.; WPTF(AM) will be spun off into a separate group called First State Communications and will be run by local investors, including Curtis. The balance of properties will become part of the Carolina Radio Group and will also be controlled by Curtis.

It does not end there. Once those transactions are complete, Curtis may have to spin off one of his broadcast properties to avoid violating the FCC's duopoly rule. The station in question is

Great American Media's WKTC(FM) Goldsboro, N.C.

While Curtis is an experienced broadcaster and once ran Durham's broadcast group, the Financial Securities Fund Acquisition Corp. is new to the industry and is searching for someone to run WPTF-TV. The investors are considering Paul Brissette, president of Adams Communications Corp.'s television division. Brissette could not be reached for comment on whether he may leave the group owner of seven AM's, eight FM's and 10 TV's to run the Durham station. Adams is currently in talks with its lenders about restructuring the company's debt load (BROADCASTING, April 15).

According to Durham Corp.'s 1990 annual report, revenues from the broadcast division declined 3% to \$13.4 million. Operating profits, the report said,

Continues on page 59.

ANCHORMEDIA SUING NARRAGANSETT OVER KOVR-TV PURCHASE

AnchorMedia Group is suing Narragansett Capital for breach of contract, fraud and misrepresentation over the former's 1988 \$162-million purchase of Narragansett Television's ABC affiliate, KOVR-TV Sacramento, Calif.

The trial is entering its third week in the U.S. District Court for the District of Rhode Island, where Narragansett is based. Summations are expected this week.

In the pretrial memorandum, AnchorMedia claims it is entitled to a \$5 million indemnity escrow fund held by Fleet National Bank as well as an award of damages in excess of \$15 million.

AnchorMedia claims Narragansett "engaged in five maneuvers while in control of KOVR-TV to generate artificially higher operating cash flow numbers for 1988." AnchorMedia goes on to say that every dollar of unlawful or improper operating cash flow increased the purchase price of the station by \$14.

Among examples of Narragansett's misrepresentation of cash flow, AnchorMedia said Narragansett overcharged politicians in 1988 and led AnchorMedia to believe that 1988's cash flow was "typical." AnchorMedia also said Narragansett violated its affiliation agreement with ABC by preempting ABC's news briefs to insert local advertising. That, according to AnchorMedia, generated \$800,000 in additional

advertising revenue. Narragansett is also accused of broadcasting too many commercials in prime time and misleading AnchorMedia regarding the station's contracts with the Nielsen and Arbitron ratings services. The filing also states that Christopher Pike, general sales manager, KOVR-TV, was committed to stay with the station after the sale, but was solicited away by Narragansett.

As far as Narragansett is concerned, AnchorMedia is sore over paying \$27 million more for KOVR-TV than the next closest bidder. The lawsuit, Narragansett said in its pretrial memorandum, is the continuation of AnchorMedia's effort to "chisel down the price it had agreed to pay." As for the charges of misrepresenting cash flow, Narragansett said covering ABC's prime time news briefs with local commercials is not a breach of the ABC affiliate agreement. Regarding political advertising, Narragansett said that even if technical violations can be found, there is no evidence to show conspiracy. As for a heavy commercial load, the defendant said in its filing that there are no industry standards regulating the number of commercials a station chooses to air and that the program's logs were available to AnchorMedia. The Nielsen and Arbitron contracts, the filing said, were also given to AnchorMedia for review. As for Pike, Narragansett said he was free to leave the station at any time.

-JF

BIG BROTHER TAKES OVER TV STATION

U.S. government, in form of RTC Corp., acquires failing Massachusetts TV station and will operate it until buyer is found

In what may be a first, the federal government is operating a commercial television station. While it is uncertain whether Big Brother is taking over the airwaves, it is certain this is just the latest and probably one of the more painful forms of financial workout for a failing television station.

The station, WCVX(TV) Vineyard Haven, Mass., a UHF independent licensed to Cape Cod Television Inc., is now in the hands of the Resolution Trust Corp. (RTC), a government operation that sells assets for failed savings and loans. The station was the property of Sentry Federal Savings Bank, and when the S&L went under, the RTC was appointed as receiver. The transfer applications, although filed last September, were only approved by the FCC two weeks ago. Although Cape Cod Television Inc. is still licensee, when the RTC took over the failed bank, it also took over WCVX.

While the RTC has had its hands full with real estate properties, WCVX, according to the FCC, is the first television property the agency has taken over. RTC has retained New England Media Inc. to find a buyer for the station; RTC is under no time limit to sell. David Kimel, vice president, New England Media, said a deal for the station could be announced as early as this week.

The station is unusual. Licensed to Vineyard Haven, it is considered part of the Providence, R.I., New Bedford, Mass., market although the station focuses its attention on Cape Cod, Mass., where its signal is strongest. The station, a UHF on channel 58, went on the air in July 1985 and has two newscasts. Its programming is also geared primarily to the Cape Cod community, which varies from a population of roughly 190,000 during the year to 500,000 in the summer.

At first, it was thought that a buyer for the station would be a broadcaster with a television station either in Boston or in Providence looking for a satellite station to reach the Cape. In fact, the Fox affiliate in Providence was approached several months ago by RTC about acquiring the station but the Fox affiliate board felt the boost in reach from WCVX would be minimal. Also, cable penetration in the area is about 100%, meaning that the Providence and Boston television stations are already

very available in the Cape Cod market.

Now it seems likely that the purchaser of WCVX will be a non-broadcaster, although there has been speculation that one of the radio station operators in the area may consider WCVX a way to get

television experience at a low price. According to industry estimates, the station will probably be sold for somewhere between \$1 million and \$5 million. The property on which the station is located will not be part of the sale, according to

On March 29, 1991

Major Broadcasting Co., Inc.

closed on its purchase of

**WFYR-FM
CHICAGO**

for

\$19 million.

Seller was

Summit Broadcasting, Inc.

**This transaction was the largest
of any radio property sold in
the first quarter of 1991.**

Exclusive Broker in this transaction

*A. B. La Rue,
Media Brokers*

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people familiar with the situation.

Although it appears it is not the government's intention to take over the Cape Cod airwaves, the FCC is aware the government is controlling a commercial television station. "This is a first," said FCC staff attorney Alan Glasser, adding that "we were concerned about it, but saw no problem. This is a way for

the banking situation to be stabilized."

Although there is nothing specific in the Communications Act regarding government operation of a station, some are concerned that although this is only one station, the list could grow. Howard Liberman, partner, Arter & Hadden, said this is "something I think the Communications Act did not intend—for the gov-

ernment to run a station—and [there has been] a lot done to keep government out of controlling the domestic media."

Local broadcasters in the market do not seem concerned that the government is running a TV station, although at least one person expressed unhappiness that his tax dollars are funding a competing station. -JF

CHANGING HANDS

This week's tabulation of station and system sales (\$250,000 and above)

WETM-TV Elmira and WKTV(TV) Utica, both New York □ Sold by WETM Inc. and Harron Communications Corp. to Smith Television of New York for approximately \$16 million; sale combines assets of stations to form new company. WETM Inc. is headed by Robert N. Smith, and is controlled by Smith Broadcasting Group, licensee of 9 TV's. Harron Communications is headed by Paul Harron and is li-

cencee of WMTW-TV Poland Spring (Portland), Me., and 11 cable systems serving approximately 200,000 subscribers in seven states. Buyer is headed by Smith (approximately 64%), and Harron Communications (approximately 33%). WETM-TV is NBC affiliate on ch. 18 with 113 kw vis., 22.4 kw aur. and antenna 1,220 feet above average terrain. WKTV is NBC affiliate on ch. 2 with 34.7 kw vis., 6.9 kw aur. and

antenna 1,065 feet above average terrain.

KLRT(TV) Little Rock, Ark. □ Sold by Little Rock Communications Associates to Clear Channel Communications Inc. for \$6.6 million. Seller is headed by Gary Scollard and has no other broadcast interests. Buyer is headed by L. Lowery Mays, and operates eight AM's eight FM's and five TV's. KLRT is Fox affiliate on ch. 16 with 5,000 kw vis., 500 kw aur. and antenna 1,772 feet above average terrain.

WOCD(TV) Amsterdam, N.Y. □ Sold by Amsterdam Broadcasting Co. to LG Communications for \$2.5 million in stock purchase. Price includes \$1.2 million cash at closing (of which \$500,000 is for five-year noncompete covenant), \$100,000 earnest money deposit and \$1.2 million interest-bearing note. Seller is headed by Coit Drapery Cleaners Inc. and Charles Cohen. Coit Drapery Cleaners is parent of Grand Lake Broadcasting Inc., licensee of KRKY(AM) Granby and KRKM-FM Kremmling, both Colorado. It is also stockholder of American Television Network, licensee of four LPTV's in Arizona and California. Buyer is headed by Wade Griffith (100%), and has no other broadcast interests. WOCD is independent on ch. 55 with 5,000 kw vis., 500 kw aur. and antenna 731 feet above average terrain.

WTGI-TV Wilmington, Del. □ Sold by Delaware Valley Broadcasters Ltd., debt-or-in-possession, to National Minority TV Inc. for \$4 million cash at closing. Seller is headed by Dan Slape and has no other broadcast interests. Buyer is headed by Paul F. Crouch (33.3%), Phillip Aguilar (33.3%) and P. Jane Duff (33.3%). Crouch has interests in Trinity Broadcasting Network and its affiliates, licensees of two AM's and one FM and 15 TV's. WTGI-TV is independent on ch. 61 with 3,000 kw vis., 300 kw aur. and antenna 958 feet above average terrain. Broker: Gammon Media Brokers.

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KQAM(AM)-KEYN-FM Wichita, Kan. □ Sold by Radio Management Services to Clear Channel Communications Inc. for approximately \$2 million. Stations were purchased in 1988 for \$4.43 million. Seller is management company for receiver Central Trust Co. of Cincinnati. Buyer is headed by L. Lowery Mays and operates eight AM's, eight FM's and five TV's. Mays is also purchasing KLRT(TV) Little Rock, Ark. (see above). KQAM has oldies format on 1410 khz with 5 kw day and 1 kw night. KEYN-FM has adult contemporary format on 103.7 mhz with 95 kw and antenna 860 feet above average terrain.

WPNT(AM) Chicago □ Sold by Century Broadcasting Corp. to Diamond Broadcasting Inc. for \$650,000; station is dark. Seller is headed by George Collias. Howard Grafman and Anthony C. Karlos. Century Broadcasting is general partner of Century Chicago Broadcasting Ltd., licensee of WPNT-AM-FM Chicago, and KYBG(AM) Aurora and KYBG-FM Castle Rock, both Colorado. It is also general partner of San Francisco Century Broadcasting Ltd., licensee of KMEL(FM) San Francisco. Buyer is headed by Daniel R. and Karen K. Lee, husband and wife, and Seth Mason, and is licensee of WSBC(AM)-WXRT(FM) Chicago; KOMA(AM)-KRXX(FM) Oklahoma City and KPYR(FM) Osceola, both Oklahoma. WPNT had easy contemporary format on 820 khz with 5 kw day and 1 kw-night.

WALM(AM)-WELL-FM Albion and WELL-(AM) Battle Creek, both Michigan □ Sold by TriadCommunication Co. to Statewide Broadcasting Systems Inc. for \$500,000. Price includes \$300,000 cash at closing and \$200,000, 10-year note at 9%. Seller is headed by C. Wayne Wright, who owns various cable TV systems. Buyer is headed by Deano Day (30%), Edward Derbaban

PROPOSED STATION TRADES

By volume and number of sales

Last Week:

AM's □ \$1,087,857 □ 9
FM's □ \$1,122,000 □ 4
AM-FM's □ \$2,500,000 □ 2
TV's □ \$31,250,000 □ 7
Total □ \$35,959,857 □ 22

Year to Date:

AM's □ \$14,514,997 □ 68
FM's □ \$70,472,534 □ 80
AM-FM's □ \$99,751,054 □ 60
TV's □ \$172,394,000 □ 30
Total □ \$357,132,585 □ 238

For 1990 total see Jan. 7, 1991 BROADCASTING.

(30%). William Wilcher (30%) and Mitchell D. Moen (10%), and is also purchasing WACY(AM) Fenton, Mich. ("Changing Hands" April 8). WALM has classic rock and oldies format on 1260 khz with 1 kw day and 500 w night. WELL-FM has classic rock and oldies format on 104.9 mhz with 3 kw and antenna 300 feet above average terrain. WELL is fulltimer with oldies format on 1400 khz with 1 kw.

CABLE

American Cable TV Investors 5 Ltd., managed by United Artists Entertainment Co., purchased Moreno Cablevision, serving Moreno Valley, Calif., for undisclosed price. Acquisition represents approximately 16,000 basic and 12,600 pay subscribers, with 24,000 homes passed. Broker: Daniels & Associates.

KATZ TO DEVELOP REGIONAL PROGRAMING

In a joint effort, the Katz Television Group has teamed up with eight client stations in five New England states to develop regional programs that will attempt to meld regional marketing concepts with programing.

The first program, *The Governor's Forum*, will air April 23. The two-hour show will feature governors William Weld of Massachusetts, John McKernan of Maine, Richard Snelling of Vermont and Bruce Sundlun of Rhode Island. Lt. Governor Eunice Groark of Connecticut will represent Governor Lowell Weicker. The broadcast will be moderated by former network news correspondent Marvin Kalb and will be live from Harvard University's Kennedy School of Government. There will also be a toll-free telephone number that will allow viewers to ask the governors questions.

According to Katz, which sold time for the program, commercial time for the show, offered on a regional network basis, is sold out.

"Our attempt to meld regional marketing concepts with programing is a strategy we believe is at the leading edge of change in our business," said Peter Goulazian, president, Katz Television Group. The decision to develop regional programing, Goulazian said, also hopes to capitalize on what the Katz president described as a change in marketing decisions. "Our regional network concept recognizes this shift in marketing and affords advertisers with a medium designed specifically to accommodate this change."

This is not Katz's first venture outside the rep world. Last month, Katz teamed up with Viacom to form a new program development consortium.

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WASHINGTON, DC
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*Source:

Paul Kagan Associates, Inc.

FOCUS ON FINANCE

Number of media stocks matched or exceeded broad market advance of several percent for week ending last Wednesday. But gains among media issues were not universal and many stocks were flat or down among group owners, MSO's, equipment manufacturers and other categories. Earnings surprises may have accounted for some of gains among publisher/group owner

stocks. Among those reporting earnings and stock gains of 5% or better were Multimedia, Media General, General Electric and Gannett. Among cable issues, Cablevision Systems jumped 16%, to 29¾, while Tele-Communications Inc. was up 7%, to \$17. Equipment manufacturers and programmers were mixed, while most advertising agencies were up.

Stock Index Notes: T-Toronto, A-American, N-NYSE, O-NASDAQ. Bid prices and common A stock used unless otherwise noted. P/E ratios are based on earnings per share for the previous 12 months as published by Standard and Poor's or as obtained by Broadcasting's own research.

Closing Wed Apr 17	Closing Wed Apr 10	Net Change	Percent Change	P/E Ratio	Market Capitali- zation (000,000)
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BROADCASTING

A	(BHC) BHC Comm.	56	5/8	57	1/8	-	1/2	-00.87	13	1,614	
N	(CCB) Cap. Cities/ABC	465	1/2	462		3	1/2	00.75	16	7,847	
N	(CBS) CBS Inc.	162		163	3/4	-	1	3/4	-01.06	37	2,142
A	(CCU) Clear Channel	14	1/4	14	3/4	-	1/2	-03.38	-237	81	
O	(JCOR) Jacor Commun.	3		2	7/8		1/8	04.34	-2	29	
O	(OSBN) Osborn Commun.	8	3/4	8	3/4			00.00	-11	61	
O	(OCOMA) Outlet Comm.	12	1/8	12	1/8			00.00	15	79	
N	(PL) Pinelands	15	1/4	15	1/8		1/8	00.82	-41	257	
A	(PR) Price Commun.		5/8		5/8			00.00	133	7	
O	(SCRIP) Scripps Howard	49		46		3		06.52	16	506	
O	(SUNNC) SunGroup Inc.		3/4		3/4			00.00	-16	5	
O	(TLMDD) Telemundo	4	1/2	5		-	1/2	-10.00	-2	102	
O	(UTVI) United Television	31	5/8	31	1/2		1/8	00.39	3	343	

BROADCASTING WITH OTHER MAJOR INTERESTS

N (BLC) A.H. Belo	30	1/2	29	1/2	1		03.38	19	566
A (AK) Ackerly Comm.	2	5/8	2	7/8	-	1/4	-08.69	-2	40
N (AFI) American Family	26	7/8	23	1/2	3	3/8	14.36	18	2,188
O (ACCOMA) Assoc. Comm.	31	1/2	29	7/8	1	5/8	05.43	55	587
N (CCN) Chris-Craft	29	7/8	29	1/2		3/8	01.27	2	770
O (DUCO) Durham Corp.	31	1/4	28	1/2	2	3/4	09.64	15	264
N (GCI) Gannett Co.	42	1/2	39	7/8	2	5/8	06.58	18	6,803
N (GE) General Electric	75	1/4	72	3/8	2	7/8	03.97	15	66,029
O (GACC) Great American	2	1/4	2			1/4	12.50	-1	80
A (HTG) Heritage Media	4	3/8	4	3/8			00.00	-6	197
N (JP) Jefferson-Pilot	43	1/4	41	3/4	1	1/2	03.59	9	1,521
N (LEE) Lee Enterprises	31	1/4	29		2	1/4	07.75	16	720
N (LC) Liberty	43		42	1/8		7/8	02.07	14	337
O (LINB) LIN	74		68	1/8	5	7/8	08.62	-17	3,801
N (MHP) McGraw-Hill	60	3/4	59	3/4	1		01.67	17	2,972
A (MEGA) Media General	20	3/8	19	3/8	1		05.16	20	527
N (MDP) Meredith Corp.	27	5/8	26	7/8		3/4	02.79	15	464
O (MMEDC) Multimedia	81	3/4	76		5	3/4	07.56	20	943
A (NYTA) New York Times	20	7/8	20	7/8			00.00	24	1,613
N (NWS) News Corp. Ltd.	14	1/4	14	3/8	-	1/8	-00.86	8	3,825
O (PARC) Park Commun.	14	3/4	14	3/4			00.00	16	305
O (PLTZ) Pulitzer Pub.	24	1/2	24	1/2			00.00	20	256
O (SAGB) Sage Bcsq.	1	1/4	1	1/4			00.00	-1	4
O (STAUF) Stauffer Comm.	117	1/4	117	1/4			00.00	48	144
N (TMC) Times Mirror	30	3/8	28	5/8	1	3/4	06.10	21	3,903
N (TRB) Tribune Co.	44	3/4	42	5/8	2	1/8	04.98	28	2,869
A (TBSA) Turner Bcstg.'A'	14	5/8	13	7/8		3/4	05.40	-34	2,181

Closing Wed Apr 17	Closing Wed Apr 10	Net Change	Percent Change	P/E Ratio	Market Capitali- zation (000,000)
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PROGRAMING

O	(IATV) ACTV Inc.	2	1/2	2	1/2			00.00	2		
O	(AACI) All American TV	1	3/4	1	7/8	-	1/8	-06.66	3		
N	(CRC) Carolco Pictures	7	3/4	7	3/4			00.00	16	208	
O	(DCPI) dick clark prod.	3	3/8	3	1/4		1/8	03.84	17	27	
N	(DIS) Disney	120	7/8	116		4	7/8	04.20	20	15,703	
A	(FE) Fries Entertain.		5/8		5/8			00.00		3	
A	(HHH) Heritage Ent.		5/8		11/16	-	1/16	-09.09		5	
N	(HISN) Home Shop. Net.	7		6	3/4		1/4	03.70	25	610	
O	(IBTVA) IBS	1	1/8	1	1/8			00.00	14	3	
N	(KWP) King World	30	7/8	29		1	7/8	06.46	13	1,169	
O	(KREN) Kings Road Ent.		1/8		1/8			00.00		0	
N	(MC) Matsushita	130	1/8	127		3	1/8	02.46	16	270,690	
A	(NNH) Nelson Holdings	15/16	1	1/8	-	3/16	-	16.66		4	
O	(NNET) Nostalgia Net.		5/8		5/8			00.00		3	
N	(OPC) Orion Pictures	9		9	3/4	-	3/4	-07.69	-20	202	
N	(PCI) Paramount Comm.	39	5/8	39	3/4	-	1/8	-00.31	20	4,662	
N	(PLA) Playboy Ent.	5	1/2	5	3/8		1/8	02.32	68	75	
O	(QNTXQ) Qintex Ent.		1/8		1/8			00.00		26	
O	(QVCN) QVC Network	9		10	1/8	-	1	1/8	-11.11	-9	157
O	(RVCC) Reeves Commun.	6	3/4	6	3/4			00.00	-16	85	
O	(RPICA) Republic Pic.'A'	9	1/2	9	1/2			00.00	55	40	
A	(SP) Spelling Ent.	5	1/4	5			1/4	05.00	37	173	
O	(JUKE) Video Jukebox	6	1/8	5	3/4		3/8	06.52	-47	64	
O	(WONE) Westwood One	1	7/8	1	7/8			00.00	-1	28	

CABLE

A	(ATN) Acton Corp.	5	7/8	6		-	1/8	-02.08	-1	8	
O	(ATCMA) ATC	46		44			2	04.54	41	5,016	
A	(CVC) Cablevision Sys.'A'	29	3/4	25	3/4		4	15.50	-2	666	
A	(CTV) Century Comm.	10	3/8	9	7/8		1/2	05.06	-10	678	
O	(CMCSA) Comcast	17	1/4	16	5/8		5/8	03.75	-10	1,987	
A	(FAL) Falcon Cable	8	3/8	9	1/4		-	7/8	-09.45	-5	53
O	(JOIN) Jones Intercable	12	1/4	11	1/4		1	08.88	-6	146	
N	(KRI) Knight-Ridder	50		48	1/4		1	3/4	03.62	17	2,466
T	(RCI.A) Rogers'A'	11	1/2	11	1/2			00.00	-17	349	
O	(TCAT) TCA Cable TV	17	1/4	17	1/2		-	1/4	-01.42	71	422
O	(TCOMA) TCI	17		15	7/8		1	1/8	07.08	-28	6,051
N	(TWX) Time Warner	117	1/2	112			5	1/2	04.91	-8	6,753
O	(UAECA) United Art.'A'	14	1/8	14	1/8			00.00	-17	1,984	
A	(VIA) Viacom	32	1/8	30	1/8		2	06.63	-38	3,428	

STOCK INDEX (CONT.)

Closing
Wed
Apr 17

Closing
Wed
Apr 10

Net
Change

Percent
Change

P/E
Ratio

Market
Capitali-
zation
(000,000)

EQUIPMENT & MANUFACTURING

N (MMM) 3M	89	1/4	87	3/8	1	7/8	02.14	15	19,620
N (ARV) Arvin Industries	21	3/4	23	1/4	-1	1/2	-06.45	15	408
O (CCBL) C-Cor Electronics	7	7/8	8	1/2	-	5/8	-07.35	13	35
O (CTEX) C-Tec Corp.	16	1/2	17	-	1/2	-	-02.94	-27	271
N (CHY) Chyron	7/16	1	-	9/16	-	56.25	-1	5	
A (COH) Cohu	11	7/8	11	7/8	-	00.00	8	23	
N (EK) Eastman Kodak	42	3/4	41	3/8	1	3/8	03.32	19	13,870
N (HRS) Harris Corp.	26	1/4	26	-	1/4	-	00.96	29	1,020
N (IV) Mark IV Indus.	12	11	1/8	7/8	-	07.86	7	171	
O (MATT) Matthews Equip.	213/16	2	15/16	-	1/8	-	-04.25	140	16
O (MCDY) Microdyne	9	1/2	9	1/4	1/4	-	02.70	-14	38
O (MCOM) Midwest Comm.	7/8	1	-	1/8	-	12.50	2	2	
N (MOT) Motorola	65	3/4	62	7/8	2	7/8	04.57	17	8,659
A (PPI) Pico Products	1/16	3/4	1/16	08.33	-1	2			
N (SFA) Sci-Atlanta	16	5/8	15	1/2	1	1/8	07.25	11	375
N (SNE) Sony Corp.	50	1/4	47	7/8	2	3/8	04.96	24	16,679
N (TEK) Tektronix	25	7/8	24	1/2	1	3/8	05.61	-23	754
N (VAR) Varian Assoc.	48	3/4	46	3/8	2	3/8	05.12	1218	922
O (WGNR) Wegener	1	1/8	1	3/8	-	1/4	-18.18	-2	8
N (ZE) Zenith	8	1/4	8	3/8	-	1/8	-01.49	-3	240

Closing
Wed
Apr 17

Closing
Wed
Apr 10

Net
Change

Percent
Change

P/E
Ratio

Market
Capitali-
zation
(000,000)

SERVICE

O (AFTI) Am. Film Tech.	5	5/8	5	3/4	-	1/8	-02.17	18	54
O (BSIM) Burnup & Sims	8	7/8	8	5/8	1/4	-	02.89	-26	111
A (CLR) Color Systems	3	3/4	4	-	1/4	-	-06.25	-4	39
N (CQ) Comsat	28	1/4	26	1/8	2	1/8	08.13	-32	528
N (CDA) Control Data	12	3/8	12	1/8	1/4	-	02.06	213	526
N (DNB) Dun & Bradstreet	48	3/8	46	7/8	1	1/2	03.20	17	8,640
N (FCB) Foote Cone & B.	27	1/8	26	1/8	1	-	03.82	12	294
O (GREY) Grey Adv.	134	134	-	-	-	-	00.00	12	151
O (IDBX) IDB Commun.	8	1/2	8	1/2	-	-	00.00	850	53
N (IPG) Interpublic Group	45	5/8	44	3/8	1	1/4	02.81	19	1,549
N (OMC) Omnicom	29	7/8	29	3/8	1/2	-	01.70	14	834
O (RTRSY) Reuters	47	7/8	46	5/8	1	1/4	02.68	22	20,638
N (SAA) Saatchi & Saatchi	1	1/8	1	-	1/8	-	12.50	-1	178
O (TLMT) Telemation	1/4	1/4	-	-	-	-	00.00	-2	6
O (TMCI) TM Century	5/16	5/16	-	-	-	-	00.00	11	13
A (UNV) Unitel Video	8	3/4	8	3/4	-	-	00.00	2	333
O (WPPGY) WPP Group	8	1/8	7	-	1	1/8	16.07	-	

Standard & Poor's 400 463.12 442.06 +21.06 +4.7%

DURHAM

Continued from page 54.

were up slightly, but overall net income (including involuntary conversions), the report said, was down to \$239,000, compared to \$789,000 in 1989.

Advertising revenues at WPTF-TV went up 8% in 1990, compared to 1989, due in part to political advertising. That, and a 6% reduction in expenses, made the TV station "slightly profitable."

At WPTF-AM, broadcasting revenue dropped 9% and that, coupled with an 8% decline in operating expenses, produced a pretax loss of \$150,000 for the AM station.

Net revenues were down 14% at Durham's country-formatted WQDR-FM. Net profit at the station for 1990 was \$603,000, compared to \$981,000 in 1989.

WMXF-AM-FM was hit hard by the war and by a format change that led to a drop in net broadcast revenue of \$347,000 before taxes, compared to a \$75,000 gain in 1989.

Once the deal is complete, it will take Durham Corp. one step closer to selling the entire company. Last week, Louisville, Ky.-based Capital Holding Corp. made a proposal to acquire Durham Corp. for approximately \$269 million.

Capital Holding's offer is contingent upon Durham Corp. closing the deal to sell its broadcasting subsidiary. —JF

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Altoona, PA

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Andy Brothers & Guyon Turner

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SATELLITE

FOOTPRINTS

PBS goes Vertex, Ku. The Public Broadcasting Service last week contracted Vertex Communications Corp. to design, manufacture and supply ground equipment for public television's massive switch from C-band to Ku-C distribution, beginning in mid-1993. A PBS report to Congress estimated Ku ground segment costs would reach \$24.6 million—\$19.6 million for downlinks at 180 member stations and \$5 million for uplinks at PBS and in four regional sites. That report also put C-band ground segment refurbishment costs at \$10.5 million for downlinks and at \$4 million for uplinks. At least four of PBS's transponders aboard AT&T's next-generation C-Ku hybrid, Telstar 401, are to be Ku band.

"We're excited to bring Vertex on board this important project," said Howard Miller, PBS senior vice president, adding that the contract will allow public TV "to offer many new capabilities to our member stations and to the education community," including easier co-location of downlinks with studios, remote uplinking, backhaul program exchange among stations, and live, interactive voice and data exchange among stations and schools.

New bird, new name, new owner. It was called ASC 2, a hybrid Contel ASC bird carrying 16 C-band and six Ku-band transponders. Delivered successfully into orbit April 12 by McDonnell Douglas, the satellite has a new name, Spacenet IV, and a new owner, GTE Spacenet, whose parent GTE Corp. merged with Contel earlier this year. The new company now owns and operates five hybrids and four Ku birds. Spacenet IV, designed primarily for corporate networks, is to fly at 101 degrees west longitude.

Federal relief. The Satellite Broadcasting and Communications Association asked the FCC last week to clarify which restrictions on satellite and other antennas are preempted by federal law and to create an expedited emergency relief, or "paper hearing," procedure to settle most challenges to local zoning ordinances at the FCC without evidentiary trial.

Urging the commission to more specifically list zoning restrictions (concerning height, shape and weight; placement; screening, and "burdensome" procedures) forbidden under the FCC's 1986 preemption order, the SBCA's 42-page petition for declaratory ruling requests that the FCC eliminate the need for evidentiary hearings to settle, cease and desist complaints against local ordinances. "Immediate procedural relief," said the petition, "is needed in the interim if the commission's preemption policy is to have any practical effect, and if the First Amendment rights of satellite dish owners are not to be unnecessarily and egregiously curtailed."

Ideally, argued SBCA President Chuck Hewitt and Andy Paul, SBCA vice president of government affairs, local municipalities and courts would respond to clarified federal rules by reversing much of the "gross insensitivity" to dish owners' rights the SBCA said is now evident nationwide. Given a ruling from the FCC spelling out specific restriction preemptions, said Hewitt, local authorities will "know they don't have a case," when consumers or equipment dealers challenge discriminatory ordinances at the local level.

However, the petition argues, a "paper hearing" process (with a strict procedural timetable), at the FCC would allow the commission to issue cease and desist orders with minimal additional administrative burden and would allow consumers to avoid the costs of pursuing remedies locally where, it said, courts have consistently failed to support dish owners.

Although the SBCA has not attempted to quantify the negative effect on the home satellite industry of zoning restrictions, said Hewitt, an average 20-25 weekly complaints are "only the tip of the iceberg." The SBCA said it plans also to seek relief at the FCC concerning similar restrictions found in many community covenant restrictions not addressed in the existing preemption order.

New European paths. Europe gained a new satellite services company last week with the formation of Maxwell Satellite Communications, a joint venture of Maxwell Communications and France Telecom subsidiary France Cables et Radio (FCR). The new company is offering U.S. broadcasters paths in and out of Europe for program distribution and news backhauls.

World football. World League Entertainment Productions and NFL Films inaugurated a weekly 30-minute satellite feed of highlights from World League of American Football action last Thursday, April 18. Local TV newsrooms can use up to two minutes of each *This Week in the World League* program, to be fed Thursdays at 3-3:30 p.m. ET on Telstar 301, transponder 9H-5H.

World hockey. BrightStar Communications will use its own Ku remote uplink outside Turku Arena, Turku, Finland, to uplink 25 to 40 hours of live 1991 World Hockey Championships TV coverage for Toronto-based The Sports Network and Montreal-based RDS—depending on the Canadian team's survival through preliminary matches April 25, 26 and 28 and medal competitions April 30 and May 2 and 4.

Best spots. Keystone Communications will provide a feed of *Advertising Age Best Commercial Show* for broadcast use, via Telstar 301, transponder 10, at 9 p.m. ET, April 25, and 10:30 p.m. ET, April 26. Keystone brought President George Bush live from the White House to the NAB convention via satellite last Monday (April 15).

Consumer protection. Retailers of home satellite equipment will begin by mid-May to sell VideoCipher II Plus descramblers that are covered by manufacturer General Instrument Corp.'s Consumer Security Protection Program. GI's VideoCipher Division said the program guarantees for the first three years of ownership that "eligible, subscribing consumers will be protected against any migration to a new version of VC-II-Plus technology required by cable-satellite TV programmers." Adoption by cable and/or satellite programmers of VideoCipher's DigiCipher digital video compression system would require such an upgrade. Modules covered by the protection program are to be encased in a maroon frame and are marked with distinct serial numbers.

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and continuity of our customers' transmissions, 24 hours a day, 365 days a year.

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WASHINGTON

FCC ADOPTS RULES TO IMPLEMENT DECODER ACT

The FCC has adopted rules requiring that by July 1, 1993, TV sets 13 inches or larger manufactured or imported to the U.S. have built-in circuits capable of decoding closed-captioned transmissions. The rules implement the Television Decoder Circuitry Act of 1990.

The Decoder Act sought to reduce closed-captioning costs to consumers, make service more available and create market incentives for broadcasters and manufacturers to increase captioned programming. In its rulemaking, released last Monday (April 15), the FCC adopted most of the recommendations made by the Electronic Industries Association (EIA) task force, which conform closely with existing Public Broadcasting Service/National Captioning Institute standards.

Said Larry Goldberg, director of the Caption Center: "The FCC did a great job of balancing consumer needs and manufacturers' concerns. It really shows some creative talent by the FCC staff."

The Decoder Act said FCC rules would have to conform to existing PBS/NCI specifications, but it also gave the commission considerable flexibility in implementing the Act. The FCC, in its notice of proposed rulemaking, said Congress's dual instructions of conformity and flexibility might not be compatible, and said it "was unclear" if the

FCC had the authority to make some existing specifications optional.

Comments received during the proceeding were split between those EIA task force supporters—who said other considerations, such as cost of implementation, allowed the FCC to deviate from the PBS/NCI specifications—and NCI supporters, who said the FCC did not have the latitude to make any current PBS/NCI specifications regarding size, placement, typeface, etc. optional.

The FCC ultimately decided that "the commission has flexibility under the provisions of the Decoder Act to adopt standards that differ to a certain degree from the present PBS/NCI specifications. Both House and Senate reports on the Decoder Act indicate that the statutory requirement that the commission's standard should 'conform' with the PBS/NCI specifications does not require that [FCC] standards must be identical."

Although the FCC was concerned about the compatibility of existing decoders—NCI estimates that 350,000 have been sold since 1980—with new closed captioned transmissions, the commission did "not want to preclude unnecessarily new features from being available to the millions of people the Decoder Act was intended to benefit." The FCC believes that as many as 20 million television sets with the new circuitry will be sold in the first year alone.

The Act is intended to benefit the 24 million deaf or hearing impaired and 27 million functionally illiterate people in the United States, as well as the 3 million people who are learning English as a second language. As a result, the FCC said delaying new features would be inappropriate.

Goldberg said the PBS/NCI specification is "an older technology...the FCC works with technology a lot [and must have realized] that Congress did not want to hold back" from consumers the best possible system.

John Ball, NCI president, said the FCC "pretty much stuck to PBS/NCI, with few exceptions." And two of the features made optional—color and lower case—will probably be made available to consumers anyway, he said. Overall, he said, the FCC "did a thorough job...we're very pleased."

One area of change from the PBS/NCI specifications: offering color characters will no longer be required. PBS/NCI had specified the capability even though virtually all existing decoders can only display characters in white. Color captioning will now be optional, in large part because the FCC felt the cost of fitting televisions with color-ready circuitry would become prohibitively expensive.

The FCC said "color capability is something that should be able to be provided over the long haul. We strongly encourage manufacturers to develop cost effective approaches for including this capability as part of their normal redesign process. We intend to review this situation periodically and may take further action...if it appears that manufacturers have not taken adequate steps to make color captions available."

Another change is the deletion of the text mode as a requirement. The text mode, currently used to supply information to decoder users when closed caption transmissions are not in use, will become optional. The FCC said it "cannot conclude that the Decoder Act was intended to require that text capability be included in closed caption decoders."

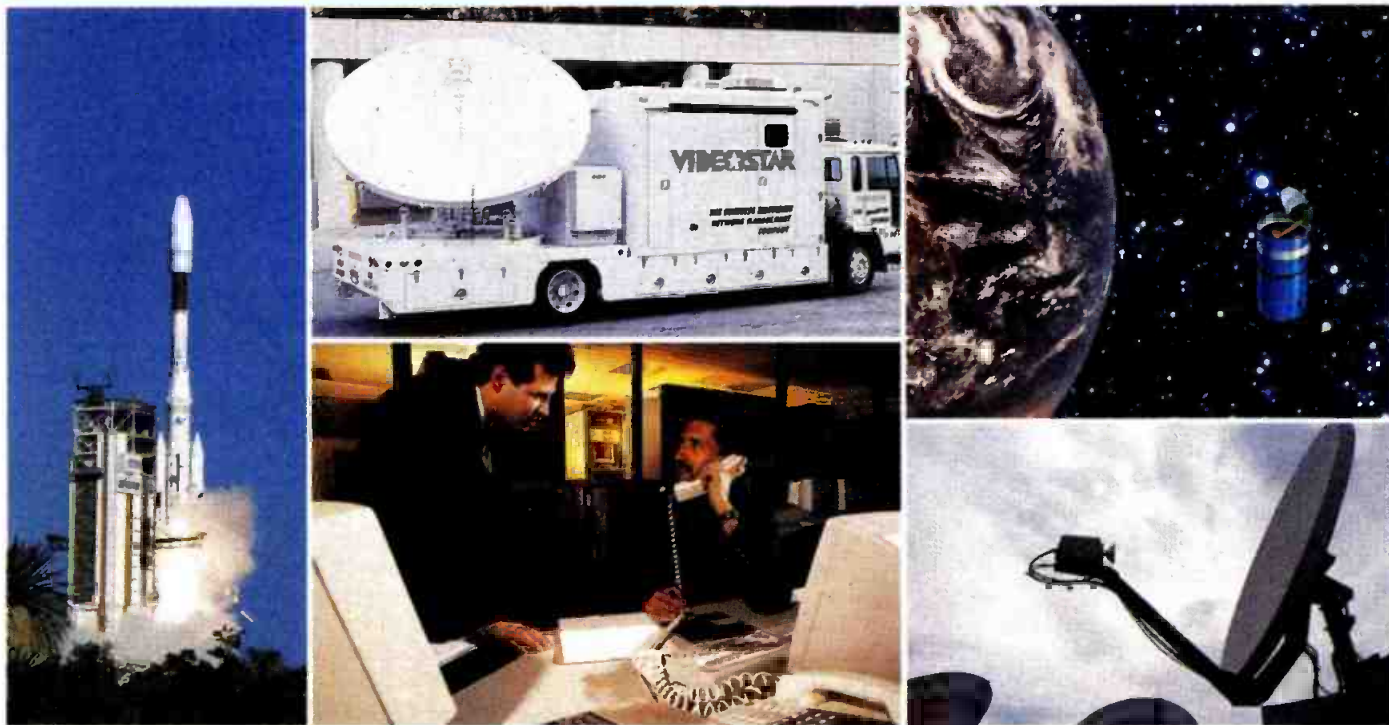
Italics, which are used to emphasize speech or to illustrate off-screen voices (including the narrator's), are still required, but manufacturers now have the

TOO MUCH INFORMATION

The FCC fined noncommercial KYQX(FM) Weatherford, Tex. \$3,000 for repeatedly violating the FCC's underwriting announcement rules. The commission said KYQX exceeded the sponsor identification-only requirement and promoted the sale, service and goods of various supporters. KYQX President Wesley Yeager said that station did not have legal counsel at the time of the announcements (Aug. 24 and Sept. 8, 1989, and May 10 and Oct. 12, 1990), and therefore did not realize the spots might be in violation of commission rules. The FCC said knowledge of the rules is the responsibility of the licensee.

The Communications Act prohibits noncommercial stations from making announcements promoting the products and services of for-profit companies in exchange for funding. In all, the FCC found 13 spots to be in violation. One of the announcements included in the FCC file reads: "Time for an FM-89 sports check and it's underwritten this hour through the support of the Pizza Place...featuring pizza, salads, lasagne and submarine sandwiches. The Pizza Place. Home of the Wednesday lunch special...you can tell Roger that I sent you, Chuck Kelly, FM-89 sports."

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With the launch of SBS-6, Hughes Communications ensures Ku-band capacity into the 21st century.

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and the occasional use video markets. These services feature a customized transponder reservation system that allows customers to respond to fast-breaking news and special events, quickly and efficiently, with more availability and less contention during peak periods.

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option of providing slanted letters or true italics.

Current PBS/NCI standards required lower case lettering capability. But the new rules will not require them until Jan. 1, 1996. The commission said smaller sets, or those with lower quality resolution, make reading lower case letters difficult. Black backgrounds will continue to be required, although manufacturers may experiment and offer other background colors and patterns as an option. Smooth scrolling capabilities must be incorporated in the sets and decoders must have an "enhanced

screen placement" feature that will let pre-recorded captions be placed anywhere on the TV screen the viewer wants it. The new rules also require that a second channel of captioning be maintained, despite the task force's proposal to abandon the seldom used second channel.

In its comments, the National Cable Television Association said that the closed caption signals may cause problems for cable encryption. The FCC basically said that was a problem with which the cable company and encryption manufacturers would have to deal. The

FCC said it "expects companies that design new scrambling and copy protection equipment to insure that their equipment does not interfere with the proper functioning of closed-caption decoders."

Finally, the FCC said manufacturers who decide not to include options that were previously part of the PBS/NCI specifications must let consumers know that by labeling cartons in which the sets come, and including information in the owners manuals that the sets do not have the text mode, color character and lower case options. -PJ

FCC, FAA STRIKE EMI AGREEMENT

Although FM transmitters are not covered, cooperation between traditional antagonists fuels hopes for further progress

A new spirit of cooperation appeared to be infecting the historically antagonistic FCC and Federal Aviation Administration last week. One sign of the change was the announcement that the two sides have reached an agreement on electromagnetic interference (EMI) on avionics by AM, fixed microwave and fixed cellular transmitters. Although the agreement conspicuously omits FM transmitters (perhaps at the heart of FAA-FCC disputes), broadcasters have reason to believe that interagency cooperation will continue due to an April 8 letter from Kenneth P. Quinn, FAA chief counsel, to Robert Pettit, FCC general counsel.

Quinn's letter outlined steps the FAA was planning to take on EMI, receiver standards, jurisdiction, interagency rule-making coordination and FCC consideration of FAA determinations of hazard. Quinn also said FAA Administrator James Busey "affirmed his commitment to developing a good working relationship between the FCC and the FAA and establishing mutually acceptable procedures for handling common issues."

The letter led Pettit to say: "I'm very optimistic that we're going to be able to work these things out." Part of Pettit's optimism comes from his confidence in Quinn. The two have known each other for some time, Pettit said.

AM band, fixed microwave and fixed cellular services are not considered major producers of EMI by either FAA or FCC standards, so the agreement is seen by many as mostly symbolic between two agencies that have had trouble agreeing in the past. Some believe the agreement is the first by-product of recent discussions that have included high

level bureau chiefs and senior advisers of both agencies. (BROADCASTING, Feb. 18).

That the sides are talking, and indeed have "symbolic" agreements, represents a significant change from the past. Broadcasters believe that FM applications are held up at the FAA because the FAA model used to determine when an FM transmitter is likely to cause interference to avionics does not represent "real world" problems. Broadcasters believed they were being unfairly treated by the FAA and that the FCC was not standing up for their needs during interagency debates. Worse, many broadcasters believed that the two sides were entrenched in personality conflicts and were unable to work together on even simple matters (BROADCASTING, Jan. 7, Feb. 18).

That, however, seems to be changing. Michael Marcus, FCC Field Operations assistant bureau chief, said last week's agreement was "the result of a lot of hard work. We have been trying very hard to improve the dialogue for some time." The impetus for change, he said, came with new chiefs at the FCC's Mass Media Bureau and the FAA's Systems Maintenance Service about a year ago, he said. "We took advantage of fortuitous and simultaneous changes that facilitated the new dialogue."

"A lot of the credit goes to [the FAA's] Pete Kochis, David Morris and Kenneth Quinn," Marcus said. Kochis took over as the head of the FAA's Systems Maintenance Division about the same time Roy Stewart took over the FCC's Mass Media Bureau. Morris has since replaced Kochis.

Marcus conceded that the FM and other "major problems still have not been solved, [but] we're talking, and the FAA is receptive... In view of the long history [between the two agencies]," he said, "this is a sign of motion."

In his letter to Pettit, Quinn spelled out "the broad issues on which there is some disagreement between the two agencies." He said the FAA considers the major problems to be: "the computer model for predicting EMI and the procedures used to adopt and disseminate the model; the minimum standards for aviation communications and navigation radios that the FAA seeks to protect from interference; the respective jurisdiction of the two agencies generally over potential EMI between commercial FM broadcast and aviation uses of frequency spectrum; involvement of the FCC in FAA policy development...and coordination between the agencies on individual cases."

For broadcasters, the letter represented a major change in FAA policy, and may prove the catalyst for resolving the FM transmitter problem. The FAA, said Quinn, "will publish a notice of availability in the *Federal Register*, describing the model and the assumptions on which it is based and providing an address at the FAA for obtaining the most current version of the model.... Interested persons [can] obtain technical information on the model and submit comments on its content and use." A year ago, the FCC could neither get information on the model nor comment on it, one FCC source said.

Two months ago, the FCC received a petition from John Furr, a San Antonio

broadcast engineering consultant, that said improved avionics (the FCC has jurisdiction of receiver standards) could eliminate the EMI problem (BROADCASTING, Feb. 11).

Quinn's letter addressed Furr's concerns by saying the FAA is considering establishing an ad hoc subcommittee of the Aviation Rulemaking Advisory Committee that will review receiver standards. The subcommittee will include FCC and broadcast industry representatives, Quinn said.

Because of last week's EMI agreement, the FAA will no longer consider EMI a hazard from users of the AM, fixed microwave and fixed cellular bands if their transmitters are not close to an airport or do not otherwise pose a physical obstruction to aircraft.

The FAA notices to broadcasters will now read: "FAA facilities critical to aviation safety are located [near] your proposed transmitter site. You may cause harmful interference to these facilities if your equipment meets only minimal FCC standards for spurious emissions. Before you begin transmission from your facility, contact [local FAA office] to arrange procedures to verify that no interference is caused."

—PJS

HIGH COURT CONSIDERING PRETRIAL RESTRICTIONS

The Supreme Court heard oral arguments last Monday (April 15) in a case concerning a lawyer's right to give press conferences prior to a trial. While the constitutionality of the action does not seem to be an issue, the court is to decide if such press conferences are a breach of legal ethics. The case rises from the Nevada Bar Association's reprimand of Dominic P. Gentile, who gave a press conference the day a client was arraigned on theft charges.

Gentile was reprimanded for violating trial publicity rules. The Nevada State Supreme Court upheld Gentile's reprimand. His attorney said Gentile did not act unethically because his speech did not pose a "clear and present danger" to the trial process.

An attorney for the Nevada Bar said ethics were created to balance free speech and fair trial rights, and to prevent cases from being tried in the press.

Later in the day, the Supreme Court announced its refusal to hear a libel case brought against CBS commentator Andy Rooney by Howard Ohlhausen, the inventor of Rain-X and president of Unelko Corp. Rooney mentioned Rain-X in a *60 Minutes* segment about products he had received in the mail. Ohlhausen claimed Rooney's comment, "It didn't work," was libelous, and constituted product disparagement of Rain-X, a windshield treatment that Unelko claims speeds rain removal from windshields. The suit was initially dismissed because the U.S. District Court in Phoenix said Rooney's comments were opinion.

But before Ohlhausen's appeal was heard, the U.S. Supreme Court ruled in 1990's *Milkovich vs. Lorain Journal* that opinions containing assertions of fact can be held libelous. When the 9th Circuit Court of Appeals finally heard Ohlhausen's appeal, it took *Milkovich* into consideration and found the original trial judge was wrong to label Rooney's comments opinion. However, the Appeals Court said Ohlhausen could not prove libel because he had not sufficiently demonstrated that Rooney's assertion was false.

—PJS

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MEDIA

OHIO STATE AWARDS HONOR 68 FOR EXCELLENCE

The Ohio State University's Institute for Education by Radio-Television has honored 68 radio and TV stations with the 1991 Ohio State Awards for excellence in social sciences and public affairs, natural and physical science, and the performing arts and humanities.

Featured speakers at the Washington ceremonies were Jessica Andrews, managing director of the Shakespeare Theatre at the Folger; National Geographic television co-producer, Tom Simon, and National Public Radio's *All Things Considered* co-host, Lynn Neary.

The winners: **Social Sciences and Public Affairs:** *The American Experience*: Adam Clayton Powell, WGBH-TV Boston, WNET(TV) Newark, N.J., KCET(TV) Los Angeles; *Asia Pacific: of Pilgrims and Profiteers*, CKVU-TV Vancouver, B.C., Canada; *Battle for the Chilcotin*, CBC, Vancouver, B.C., Canada; *CBS News, Radio Monthly Special—Europe 1989: The Legacy of World War II*, CBS News, New York; *A Charlotte Town Meeting, The Drug War...Our War*, WBT-FM Charlotte, N.C.; *Coming Clean*, WTTW(TV) Chicago; *Dolls*, WQCS-FM Fort Pierce, Fla.; *Earthquake!* KCBS(AM) San Francisco; *Equal Rights Under Law: Desegregation in America*, Radio America, Washington; *Eyes on the Prize II: America at the Racial Crossroads (1965-85)*, Blackside Inc., Boston, aired on PBS; *First Ward Investigation*, WMAQ(TV) Chicago; *40,000 a Day*, CBS News's *60 Minutes*; *Good Practice Today*, Agency for Instructional Technology, Bloomington, Ind.; *Hanging by a Thread*, WMAQ(TV) Chicago; *Hector*, WQCD-FM Huntington Station, N.Y.; *Leonard*, WSMV(TV) Nashville; *Mississippi Delta, Part II: Tourists to the Rescue*, NPR, Washington; *Mobfathers*, WHYY(TV) Philadelphia; *New Evidence*, WTVF(TV) Nashville; *The Perfect 36*, Candace Anderson, Kalamazoo, Mich., aired by WPLN(FM) Nashville; *Portraits of Freedom: A History of Black Washington*, WUSA(TV)9 Washington; *Prisoners of Care—Prime Time Live*, ABC News, New York; *Reporting the Drug War: Who Polices the Press?* WJYY-FM Concord, N.H.; *Saturday Night with Connie Chung—The Cruzan Case: A Family Nightmare*, CBS News, New York; *61 Vine Street*, WBUR-FM Boston; *Stop the Madness: Live Drug-Free*, WKYC(TV) Cleveland; *Upstate, Downtown*, WCBS(TV) New York; *Washington Undercover: Who's Spying on You?* WTTG(TV) Washington; *Without Just Cause*, WWOR(TV) Secaucus, N.J.; *Women: The Working Majority*, NBC Radio Network, Arlington,



Dale Ouzts, director, OSU's Institute for Education by Radio-Television; Andrews; E. Gordon Gee, OSU president; Neary, and Simon

Va.; *Your Vital Signs—When Mom and Dad Get Older*, WMAQ(TV) Chicago.

Natural and Physical Sciences: *Amazon Rain Forest*, NPR; *Assignment Discovery: The Dolphin Adventure*, The Discovery Channel; *Breast Cancer: What You Don't Know Can Hurt You*, Lifetime Television; *CBS News, Radio Monthly Special—Waves of the Future: Water and the Environment*, CBS News; *Climate Out of Control*, WBZ(TV) Boston; *Earth Forum*, WGBH-TV Boston; *Greenland Polar Ice Cap—Good Morning, America*, ABC TV; *Healthweek*, CNN, Atlanta; *Introduction to Manufacturing*, Agency for Instructional Technology, Bloomington, Ind.; *A Kid's Eye View of the Environment*, WSMV(TV) Nashville; *The Living Clock*, WQED(TV) Pittsburgh, National Academy of Sciences, Pittsburgh; *The Miracle Planet*, KCTS-TV, NHK/Japan, Seattle; *Mt. St. Helens: A Decade Later*, KPTV(TV) Portland, Ore.; *Operation Earth Breaks*, WGBH-TV Boston; *3-2-1 Contact Extra, You Can't Grow Home Again*, Children's Television Workshop, New York; *The Transplant Revolution*, Minnesota Public Radio; *The Trashing of America*, KMOX(AM) St. Louis; *Yellowstone: Four Seasons after Fire*, KCNC(TV) Denver.

Performing Arts and Humanities: *All Day and All Night: Memories of Beale Street Musicians*, The Center for Southern Folklore, WKNO(TV) Memphis; *CBS Schoolbreak Special—The Girl with the Crazy Brother*, Jim 'N' Kath

Productions, CBS Entertainment; *Dance in America: Bob Fosse: Steam Heat*, WNET(TV) Newark, N.J.; *Degrassi High*, Playing With Time Inc., WGBH-TV Boston, Taylor Productions Inc., CBC; *Good Rockin' Tonight: Black Music 1956-67*, WRKS-FM New York; *Harold's Journey*, WBBM(TV) Chicago; *Irving Berlin Tribute*, CBS News/Radio, New York; *J'ai Deux Amours, I Have Two Loves*, WGBH-TV Boston; *Land of Heart's Desire*, WHDH(TV) Boston; *Murder in Mississippi*, Wolper Organization, broadcast by NBC TV; *National Geographic Explorer: The Life and Legend of Jane Goodall*, National Geographic Society, Washington, broadcast by superstation WTBS(TV) Atlanta; *No Place Like Home*, Feury/Grant Productions, Orion Television, aired by CBS TV; *Passages to India*, Julian Crandall Hollick, Dean Capello for Independent Broadcasting Associates Inc., Littleton, Mass., aired by WGBH-TV Boston; *P.O.V., The American Documentary Inc.*, New York, aired by PBS; *Robert Frost: Versed in Country Things*, New Hampshire Public Television, Durham, N.H.; *Saying Goodbye: Thunder in My Head*, TV Ontario and Insight Productions, Toronto, Ont., Canada; *The Simpsons*, Gracie Films Production, Twentieth Television, distributed by Fox Broadcasting Co., Beverly Hills, Calif.; *Snow Bird and the Forgotten Christmas*, WSMV(TV) Nashville; *To Make a Poet Black and Bid Him Sing*, Voice of America, Washington.

—MLB

CABLE IN COURT

Continued from page 53.

comes meaningless," the court said.

■ In still another court case that went against the cable industry last week, the U.S. Court of Appeals for the Eighth Circuit ruled against an Arkansas operator, Paragould Cablevision (owned by Cablevision Systems), which sought to block an overbuild by the city of Paragould.

In 1986, in response to dissatisfaction with service, the voters of Paragould authorized the Light and Water Commission to build a municipally-owned cable system. Voters passed a \$3.2 million bond issue in 1989 to fund the con-

struction, and Cablevision filed suit early in 1990.

The suit charged the city with violations of the Sherman Antitrust Act, the First and 14th Amendments, as well as breach of contract. Cablevision claimed CLW would use its monopoly status in the utility market to drive it out of business, thus violating antitrust law. But the appeals court said the state "has clearly authorized municipalities to enter into the cable television business.... The displacement of competition necessarily results whenever the state authorizes municipalities to enter into an industry with monopolistic tendencies." State action immunity thus attaches to the acts of Para-

gould and CLW, the court said.

Cablevision also argued that its franchise agreement, which mandates the system gain city approval before soliciting advertising, violated its First Amendment rights. CLW had no such provision in its agreement. But the court said "by entering into the franchise agreement, Cablevision effectively bargained away some of its free speech rights.... Cablevision simply failed to protect its commercial rights," the court said, and it "cannot now invoke the First Amendment to recapture surrendered rights."

The appeals court also affirmed the district court's refusal to exert jurisdiction over the contractual claim. —MS

CABLE ALARMED OVER POLE ATTACHMENT CASES

Nonvideo services, such as PCN's, could be hurt if FCC doesn't exert jurisdiction

Several large cable MSO's—Time Warner and Continental Cablevision among them—have filed an amicus brief with the FCC in a pole attachment case, saying that rates charged by some utility companies could cripple the development of new nonvideo services such as personal communications networks (PCN's).

At issue is whether the FCC has jurisdiction over pole attachment rates for nonvideo services. The utilities, which are charging as much as triple the cable pole attachment rate for nonvideo services, claim the FCC doesn't have jurisdiction over nonvideo services, while the cable parties believe otherwise.

The brief was filed supporting cable operators West Boca Cablevision and Selkirk Communications in a case against Florida Power & Light. It follows a similar dispute filed by Heritage Cablevision against Texas Utilities in June 1989, which is pending at the FCC.

"A growing number of utilities are seeking to skim off any profits from cable's nascent ancillary services, or to halt the development of those services altogether," the filing states.

The utilities have argued that the FCC's jurisdiction on pole attachments is limited to those used exclusively for "cable service," as defined in the Cable Act, passed six years after the Pole Attachment Act. The cable operators argue that the Pole Attachment Act gives the FCC jurisdiction over any attachments—video or otherwise—made by a cable system. The cable parties said in both cases that the nonvideo services are on

the same wire as the video service, or on separate wires but lashed together on the same cable.

In the Selkirk case, the parties say FP&L was charging \$5.79 per pole for cable service and \$16.85 per pole for noncable service. Continental said at that rate increase, noncable service in its Broward county, Fla., system, would cost it \$100,000 more a year, and \$1.1 million in its Jacksonville, Fla., system, which has received approval for a PCN test. The filing also listed other services—institutional networks, security services and data links between schools—that could be imperiled.

The cable operators say the utilities' charging practices stem not only from a desire for more money, but also from

their own plans for offering information services through their fiber plant. "It is perhaps no coincidence that the utilities that are the most aggressively challenging the FCC's jurisdiction over pole rates for ancillary cable services are in the business of providing their own competitive telecommunications services," they said.

"If the commission does not quickly assert its jurisdiction over attachments used for ancillary as well as video services, many of the existing and innovative services with which cable is experimenting—data, home banking, PCN—may be stillborn," the cable parties said. Joining with Time Warner and Continental in the brief were Adelphia, Brennan, Harron and Prime Cable. —MS

LEARNERS BY DAYPART

The Discovery Channel has made further disclosures about the direction of the Learning Channel once Discovery takes over ownership. Discovery said last week it would pursue a three-daypart programming strategy focusing on young learners in the morning hours, "lifelong learners" in the afternoon and early prime hours and "programming about and from the world to assist viewers on global understanding and learning" in late prime. The latter daypart may showcase the results of talks between Discovery and Maxwell Communications, the English multimedia company.

Discovery said it would provide further details when the TLC deal is completed. It is awaiting approval of the judge overseeing the bankruptcy proceeding of FNN and Infotechnology, the majority owners of TLC. Closing is expected in May, five working days after the judge approves the deal.

Separately, Discovery launched an 11-week consumer advertising campaign in 11 markets (New York, Los Angeles, Chicago, Philadelphia, San Francisco, Boston, Detroit, Houston, Atlanta, St. Louis and Denver) last week. Most of the buy in the "There's No Thrill Like Discovery" campaign will be in spot and drive-time radio.

NAB CONVENTION

Continued from page 38.

talent; audience positioning; content-targeted promotion, and expansion of news offerings.

WFLA-TV has aggressively stepped up its news efforts to include six daily hours of news representing 36% of the station's revenues, up from 16% in 1987. Ed Piette of KSDK-TV St. Louis said a good portion of his station's investment into its news operations has gone into

"exhaustive" market research. He warned, however, that stations do not forget their gut feelings. KSDK-TV has followed research advice to bring in new anchors while at the same time following instinct and keeping familiar anchors, a combination which he said has been successful.

All three of the stations are network affiliates and maintain particularly close relationships with their respective networks. At KHOU, former home of CBS News anchor Dan Rather, the station uses his image on their billboard adver-

tising and has arranged to have him speak at engagements in Houston.

All three stations also rely on significant advertising and promotion for their newscasts. The stations use a variety of advertising, including billboards, radio, newspapers and, to a lesser extent, cable. All three generally emphasize news on 60% of all on-air promotions.

"You can't always reach the people you want to reach on your own air," said Butte. "Advertising needs to be [used with] as many opportunities as you have." -BB

KID'S TV POSES HIGH STAKES

The newly adopted FCC requirements for children's television programming will pose a significant record-keeping task for stations but will still allow them a considerable amount of flexibility, according to attorneys speaking at an NAB panel session, "Children's TV Advertising and Programming Law and Responsibilities."

Stations should prepare for the new rules by assigning a responsible person who clearly understands the rules and will keep very specific program descriptions detailing the educational focus of each program, said Larry Secrest III of Wiley, Rein & Fielding.

"This can't be the lowest level person who doesn't know anything," he said. The stakes are high because compliance with the new rules will be looked at during license renewals. "It almost matters more what it looks like on paper than what it looks like on screen," he said.

Stations should exercise particular caution when the rules take effect on Oct. 1, he said, because viewers will likely be monitoring the programming. "In the early stages, when this policy goes into effect, all of your stations will want to get off the starting block right away," said Secrest. "I wouldn't necessarily test [the FCC] on this because this is an issue where Congress has spoken and the FCC might be under a certain amount of pressure."

The new FCC ruling does not require a regularly scheduled children's program, but panelists suggested stations try to have at least one such half-hour program that would appear to educate or inform a child.

"I would be fearful if you didn't have some regularly scheduled program that you could turn to," said Stephen A. Hildebrandt of Westinghouse Broadcasting Co., syndicator of *Teenage Mutant*

Ninja Turtles and other children's fare.

Added Molly Pauker of Fox Television Stations Inc.: "To be completely safe, you want to find that one show that is your kid's show."

Among the more significant programming points of the new ruling, Pauker said, stations should remember that public service announcements and vignettes will count in meeting the children's programming obligation. She also noted that programming does not have to be locally produced to meet the new FCC standards, which should be a relief to stations.

Pauker made suggestions on how stations might meet new requirements concerning nonbroadcast, program-oriented community outreach, including: contributions to public TV, producing kids' shows for other outlets and forming some type of "kids' club." -BB

BROADCASTERS FACE GROWING PRESSURE ON ALCOHOL ADS

Legislation that would require health warnings in alcohol advertising is gaining support within Congress. That is how members of the House Energy and Commerce Committee see it.

At an NAB panel session last week, the lawmakers told broadcasters to be prepared for the "growing pressure" surrounding the issue of alcohol advertising. "It is an issue you are going to

have to get involved with," said Bill Richardson (D-N.M.).

He said restrictions on alcohol advertising are an infringement of the First Amendment. But, he added, those who share that view are "dissipating."

Thomas Bliley (R-Va.) agreed with Richardson and urged broadcasters to act quickly. "You better get into the game and get your uniform dirty," he said.

The broadcasting industry should be more "proactive," suggested Thomas McMillen (D-Md.). He said broadcasters should work toward modifying the legislation to make it "livable."

Richardson commended the broadcasters for heightening public awareness to the dangers of drinking and driving and of drug abuse by airing public service announcements. "You have to make every member aware of what you're doing," said Richardson.

On other matters, such as cable regulation, Representative Jack Fields (R-Tex.) said it was likely the Telecommunications Subcommittee will consider a cable bill but that "right now there is no consensus." Fields was referring to the Republicans on the subcommittee who do not want a reregulatory bill. Fields said he hoped they could "find a middle ground."

Fields also expressed his disappointment with the cable industry. He said cable had promised to do more for the community, but they haven't. They could do more, he said, such as carry Little League games, church services and chamber of commerce meetings.

Asked about the chances of broadcasters gaining a right to control their signal through a retransmission consent right, Bliley said it would take "some time" for broadcasters to convince lawmakers of the merits of such a proposal.

McMillen said there are "a lot of sympathetic members, but most members outside of the Commerce Committee don't have a clue about what you're talking about." -KM

FOR THE RECORD

As compiled by BROADCASTING from Apr. 11 through Apr. 17 and based on filings, authorizations and other FCC actions.

Abbreviations: AFC—Antenna For Communications; ALJ—Administrative Law Judge; alt.—alternate; ann.—announced; ant.—antenna; aur.—aural; aux.—auxiliary; ch.—channel; CH—critical hours; chg.—change; CP—construction permit; D—day; DA—directional antenna; Doc.—Docket; ERP—effective radiated power; Freq.—frequency; HAAT—height above average terrain; H&V—horizontal and vertical; khz—kilohertz; kw—kilowatts; lic.—license; m—meters; mhz—megahertz; mi.—miles; MP—modification permit; mod.—modification; N—night; pet. for recon.—petition for reconsideration; PSA—presunrise service authority; pwr.—power; RC—remote control; S-A—Scientific-Atlanta; SH—specified hours; SL—studio location; TL—transmitter location; trans.—transmitter; TPO—transmitter power output; U or unl.—unlimited hours; vis.—visual; w—watts; *—noncommercial. Six groups of numbers at end of facilities changes items refer to map coordinates. One meter equals 3.28 feet.

OWNERSHIP CHANGES

Applications

■ **KXRQ(AM)** Trumann, AR (BAL910402EB; 1530 khz; 250 w-D)—Seeks assignment of license from Eagle Communications to Farrell E. Gates for \$30,000. Seller is headed by John J. and John W. Shields, father and son, and has interests in SAS Communications Inc., licensee of KDRS(AM)-KLQZ(FM) Paragould, AR; W-R-J Enterprises, permittee of KWEZ(FM) Trumann, AR, and River County Partners Inc., licensee of KSRB(AM) Hardy, AR. Buyer has no other broadcast interests. Filed April 2.

■ **New TV Fort Collins, CO** (BAPCT910325KF; ch. 22; 5000 kw-V; ant. 1,407 ft.)—Seeks assignment of CP from Eagle 22 Ltd. to Chase Communications Inc. for \$150,000. Seller is headed by Paul and Anya Meacham, husband and wife, and Jack Welch and Lydia Guiterriz. Paul Meacham also has interests in KFSB(AM)-KIXQ(FM) Joplin, MO. Buyer is headed by Roger M. Freedman, Perry S. Ury, Edward T. Karlik, Theodore Fichtenholtz, David T. Chase and Cheryl Chase Freedman. D.T. Chase Enterprises Inc. is sole owner of Chase Communications Inc., ultimate licensee of WTOP(AM)-WASH-FM Washington, KGLD(AM)-WKBQ-FM St. Louis, WSTC(AM)-WQQQ(FM) Stamford, CT and LPTV W10BQ New Haven, CT. Filed March 25.

■ **WQQW(AM)** Waterbury, CT (BTC910402EA; 1590 khz; 5 kw-U)—Seeks transfer of control from Comko Ltd. to Thomas W. Coffey and Robert W. Sommerville for \$8,000. Seller is headed by Richard D. Barbieri Sr., and has no other broadcast interests. Buyer is headed by Coffey (33.3%), Somerville (33.3%) and Ellen Duncan (33.4%). Filed April 2.

■ **WTGI-TV** Wilmington, DE (BALCT910329KE; ch. 61; 3000 kw-V; ant. 958 ft.)—Seeks assignment of license from Delaware Valley Broadcasters Ltd., debt-or-in-possession, to National Minority TV Inc. for \$4 million. Seller is headed by Dan Slape and has no other broadcast interests. Buyer is headed by Paul F. Crouch (33.3%), Phillip Aguilar (33.3%) and P. Jane Duff (33.3%). Crouch has interests in Trinity Broadcasting Network and its affiliates, licensees of 15 TV's, two AM's and one FM throughout U.S. Filed March 29.

■ **WMMK(FM)** Destin, FL (BALH910320GF; 92.1 mhz; 3 kw; ant. 295 ft.)—Seeks assignment of license from Gulf Coast Broadcasting Inc. to Reid Broadcast-

ing Corp. for \$701,000. Seller is headed by Mattie M. Kelly and has no other broadcast interests. Buyer is headed by Paul E. Reid and has no other broadcast interests. Filed March 20.

■ **WPNT(AM)** Chicago (BAL910329EB; 820 khz; 5 kw-D, 1 kw-N)—Seeks assignment of license from Century Broadcasting, Corp. to Diamond Broadcasting Inc. for \$650,000. Seller is headed by George Collias, Howard Grafman and Anthony C. Karlos. Century Broadcasting is general partner of Century Chicago Broadcasting Ltd., licensee of WPNT-AM-FM Chicago; KYBG(AM) Aurora and KYBG-FM Castle Rock, both Colorado. It is also general partner of San Francisco Century Broadcasting Ltd., licensee of KMEL(FM)

San Francisco. Buyer is headed by Daniel R. and Karen K. Lee, husband and wife, and Seth Mason, and is licensee of WSBC(AM)-WXRT(FM) Chicago; KOMA(AM)-KRXX(FM) Oklahoma City and KPYR(FM) Osceola, OK. Daniel Lee also owns 310 share of Cablevision of Illinois, which operates systems serving suburban Chicago. Filed March 29.

■ **WREN(AM)** Topeka, KS (BAL910322EA; 1250 khz; 5 kw-U)—Seeks assignment of license from N.E. Paton Jr., trustee, to Wren Broadcasting for \$20,000. Seller has no other broadcast interests. Buyer is headed by Michael Gliner and has no other broadcast interests. Filed March 22.

SUMMARY OF BROADCASTING & CABLE

BROADCASTING

SERVICE	ON AIR	CP's ¹	TOTAL ²
Commercial AM	4,986	246	5,232
Commercial FM	4,402	944	5,346
Educational FM	1,442	305	1,747
Total Radio	10,830	1,495	12,325
Commercial VHF TV	553	18	571
Commercial UHF TV	564	178	742
Educational VHF TV	124	3	127
Educational UHF TV	229	16	245
■ Total TV	1,470	215	1,685
VHF LPTV	192	173	365
UHF LPTV	629	1,015	1,645
■ Total LPTV	821	1,188	2,009
FM translators	1,874	337	2,211
VHF translators	2,709	94	2,803
UHF translators	2,256	371	2,627

CABLE

Total subscribers	53,900,000
Homes passed	71,300,000
Total systems	10,823
Household penetration†	58.6%
Pay cable penetration	29.2%

* Includes off-air licenses. † Penetration percentages are of TV household universe of 92.1 million. ¹ Construction permit. ² Instructional TV fixed service. ³ Studio-transmitter link. Source: Nielsen and Broadcasting's own research.

■ **KANE(AM)** New Iberia, LA (BTC910322EA; 1240 kHz; 1 kw-U)—Seeks transfer of control within licensee New Iberia Broadcasting Co. Inc. for \$134,857. Sellers are Roy L. Landry, Michael F. Halphen, Gerald H. Halphen, Vernon A. Voorhies and Alfred Granger Jr. Buyers are Arthur Suberbielle (60.98%), Kenneth J. Romero (12.19%) and Patrick Caffery (26.83%). Principals have no other broadcast interests. Filed March 22.

■ **WALM(AM)-WELL-FM** and **Albion-WEL-L(AM)** Battle Creek, both Michigan (WALM: BAL910318EG; 1260 kHz; 1 kw-D, 500 w-N; WELL-FM: BALH910318EI; 104.9 mhz; 3 kw; ant. 300 ft.; WELL: BAL910318EH; 1400 kHz; 1 kw-U)—Seeks assignment of license from Triad Communication Co. to Statewide Broadcasting Systems Inc. for \$500,000. Seller is headed by C. Wayne Wright, who owns cable TV systems in Albion and Marshall, both Michigan, and throughout U.S. Buyer is headed by Deano Day (30%), Edward Derabian (30%), William Wilcher (30%) and Mitchell D. Moen (10%), and is also purchasing WACY(AM) Fenton, MI ("Changing Hands," April 8). Filed March 18.

■ **WQON(FM)** Grayling, MI (BALH910320HW; 100.1 mhz; 1.65 kw; ant. 389 ft.)—Seeks assignment of license from Dimer Broadcasting Co. Inc. to Great Lakes Radio Corp. for \$375,000. Seller is headed by Robert D. Dimer, and has interest in WWSJ(AM) St. Johns, MI. Buyer is headed by David C. Schaberg (75%), Robert Naismith (5%), Richard and Lynnea Winter (10%), husband and wife, Charles Fritz (5%) and Steven Dougan (5%), and is permittee of WTHM(FM) Glen Arbor, MI. Filed March 20.

■ **KXXR(FM)** Liberty (Kansas City), MO (BALH910327HK; 106.5 mhz; 100 kw; ant. 981 ft.)—Seeks assignment of license from Olympia Broadcasting Corp. to Capital Broadcasting Inc. for \$2.6 million ("Changing Hands," April 1). Seller is headed by Archie Kovanen and owns KYAK(AM)-KGOT(FM) Anchorage and KIAK-AM-FM Fairbanks, both Alaska; KTRW(AM)-KZZU-FM Spokane, WA and KRZR(FM) Fresno, CA, as well as Olympia Broadcasting Network. Buyer is headed by Bruce Houston (50%) and Adrienne Feldman (50%). Feldman is 50% shareholder of Ardman Broadcasting Corp., licensee of KCKN-AM-FM Roswell, NM, and 100% shareholder of licensees of WVSR-AM-FM Charleston, WV; WPHR(FM) Cleveland, and WNWZ(AM)-WEZI-FM Germantown, TN. Filed March 27.

■ **KRBJ(FM)** Taos, NM (BAPH910402GH; 99.9 mhz; 3 kw; ant. -610 ft.)—Seeks assignment of CP from Taos County Radio to Baldrige Communications for \$10,000. Seller is headed by Ann Mansfield, and has no other broadcast interests. Buyer is headed by Edwin T. Baldrige, who owns 49.45% of stock of Illini Broadcasting Inc., licensee of WITTFM) Tuscola, IL. Baldrige owns 75% of WLTV Inc., licensee of KWLTV-AM-FM Many, LA. Filed April 2.

■ **WOCD(TV)** Amsterdam, NY (BTCCT910322KG; ch. 55; 5,000 kw-V; 500 kw-A; ant. 731 ft.)—Seeks transfer of control from Amsterdam Broadcasting Co. to LG Communications for \$2.5 million in stock purchase. Seller is headed by Coit Drapery Cleaners Inc. and Charles Cohen. Coit Drapery Cleaners is parent of Grand Lake Broadcasting Inc., licensee of KRKY(AM) Granby and KRKM-FM Kremmling, both Colorado. It is also stockholder of American Television Network, licensee of four LPTV's in Arizona and California. Buyer is headed by Wade Griffith (100%) and has no other broadcast interests. Filed March 22.

■ **WOKR(TV)** Rochester, NY (BTCCT910328KE; ch. 13; 316 kw-V; ant. 500 ft.)—Seeks assignment of license from WOKR Partners to Hughes Broadcasting Partners for \$50 million ("Changing Hands," April 15). Seller is headed by George N. Gillett Jr. and Edward W. Karrels. Gillett owns 100% of GNG Corp. and Gillett Holdings Inc., which, through various licensees, owns 10 TV's, one AM and one FM throughout U.S. Buyer is headed by VS&A Communications Partners L.P. (55.8% class A stock), and Smith Barney Investors L.P. (29.5% class A stock). Hughes holds approximately 5% limited partnership interest in Narragansett Radio Ltd., licensee of WYNN-AM-FM Baton Rouge, KEZO-AM-FM Omaha and KAYI(FM) Muskegon, OK. Filed March 28.

■ **WHKY-AM-TV** Hickory, NC (AM: BTC910401KI;

1290 kHz; 5 kw-D, 1 kw-N; TV: BTCCT910401KI; ch. 14; 656.1 kw-V; 125.3 kw-A; ant. 600 ft.)—Seeks transfer of control from Roberta S. (Susie) Long, executrix of estate of Edmund and Roberta S. Long to The Long Family Partnership for no financial consideration. Transferor has no other broadcast interests. Transferees are Thomas E.S. Long Sr. (58.17%) and Roberta S. (Susie) Long (40.85%), siblings, and Ella Lee Shufford (.97%), and has no other broadcast interests. Filed April 1.

■ **WBYY(FM)** Van Wert, OH (BALH910329GG; 98.9 mhz; 50 kw; ant. 450 ft.)—Seeks assignment of license from Atlantic Resources Corp. to Southern Skies Corp. for \$2.775 million ("Changing Hands," April 8). Seller is headed by Chris Caggiano, and has no other broadcast interests. Buyer is headed by Jerome H. Achley, Joanne Scott and Jackson Farrow Jr., and has interests in KZSN-AM-FM Wichita, KS, and KSSN(FM) Little Rock, AR. Filed March 29.

■ **KWIP(FM)** Dallas, OR (BAL910403EA; 88 kHz; 5 kw-D, 1 kw-N)—Seeks assignment of license from Firebird Communications Inc. to Jupiter Communications Corp. for \$21,000. Seller is headed by Mark Blinoff and Kolman C. Rutkin, and has no other broadcast interests. Buyer is headed by Diane Burns and Fredrika Adkinson and has no other broadcast interests. Filed April 3.

■ **WDXB(AM)** Chattanooga, TN (BAL910401EC; 1490 kHz; 1 kw-U)—Seeks assignment of license from Chattanooga Sound Inc. to Tennessee Valley Sports Inc. for \$80,000. Seller is headed by W.A. Grant Jr., who has controlling interest, through various licensees, of WZPQ-AM-FM Jasper, WJRD(AM) Russellville, WLTX(AM) Fayette and WZBQ(AM) Tuscaloosa, all Alabama, and WDXB(AM) Chattanooga, TN. Buyer is headed by Richard M. Holtzman (50%) and Jay Sadow (50%), and has no other broadcast interests. Filed April 1.

■ **KBFM(FM)** Edinburg, TX (BALH910321GE; 104.1 mhz; 100 kw; ant. 990 ft.)—Seeks assignment of license from Encore Communications Associates Ltd. to May Broadcasting Inc. for \$3.5 million ("Changing Hands," March 21). Seller is headed by George Duncan and has no other broadcast interests. Buyer is headed by Philip J. Giordano and John J. Murphy Jr. Giordano owns less than 1% of American Cable TV Investors Number 5 Ltd., public limited partnership, and Giordano and Murphy own less than 1% of other publicly traded broadcasting companies. They are also officers (Giordano 48%) of April Broadcasting Inc., licensee of WBLX-AM-FM Mobile, AL. Filed March 21.

■ **WXGM(AM)** Gloucester, VA (BTC910402EC; 1420 kHz; 1 kw-D)—Seeks transfer of control from licensee WDDY Inc. to WXGM Inc. for \$165,000. Transferees are William L. Eure Jr., William B. Eure and Thomas W. Robinson. Transferee, WXGM Inc. (100%), is headed by Thomas W. Robinson (55%) and Walter W. Wurfel (45%), and is permittee of new FM at Gloucester, VA. Filed April 2.

Actions

■ **WCOX(AM)** Camden, AL (BAL910225ED; 1450 kHz; 1 kw-U)—Granted assignment of license from Wilcox Network Inc. to Down Home Broadcasting for \$30,000. Seller is headed by Mac Carter (51%), who also has interests in assignee. Buyer is headed by Penick Broadcasting Corp. (41.33%), William Pompey (15.67%), Willie Powell (13.33%), Leroy Griffith (5.33%), Thomas Pompey (5%), Brooks Holleman (2.67%) and Carter (16.67%), and also heads assignor. Powell is 25% shareholder of Wilcox Network Inc., assignor. Action April 8.

■ **KFRG(AM)** San Francisco (BAL910303EC; 610 kHz; 5 kw-U)—Granted assignment of license from South Jersey Radio Inc. to Bedford Broadcasting Co. for \$7.419 million. Seller is headed by Howard L. Green and Donald M. Simmons and is licensee of WOND(AM) Pleasantville, WMGM-FM Atlantic City and WMGM-TV Wildwood, all New Jersey, and permittee of LPTV W07CE Atlantic City. Green and Simmons are also stockholders of WENY Inc., licensee of WENY-AM-TV-WCEZ(FM) Elmira, NY, and permittee of LPTV's W06AR Homell and W07BJ Ithaca, both NY. Buyer is headed by Peter B. Bedford (100%), Timothy Preece, Donald Lorenz, Mohan Va-

chani and Bina Chun. Bedford is president and 100% stockholder of Bedford Broadcasting, licensee of stations KSSK(AM) Honolulu and KSSK-FM Waipahu, both Hawaii, and is proposed transferee of KYUU Inc., licensee of KXXX-FM San Francisco. Action March 20.

■ **KSIR(AM)** Estes Park, CO (BAL910214EB; 1470 kHz; 1 kw-D)—Granted assignment of license from Estes Park Broadcasting Co. Inc. to Trail Broadcasting Co. Inc. for \$180,000. Seller is headed by Stanley J. Pratt, and has no other broadcast interests. Buyer is headed by Terence K. Licence (50%) and J. Alan Cramer (50%), and has no other broadcast interests. Action April 1.

■ **KLLR-AM-FM** Walker, MN (AM: BAL900906EA; 1600 kHz; 1 kw-D, 47 w-N; FM: BAPLH900906EB; 99.3 mhz; 3 kw; ant. 161 ft.)—Granted assignment of license from Thomas L. Ferebee to Sioux Valley Broadcasting Co. for \$255,000. Seller has no other broadcast interests. Buyer is headed by Robert E. and Jan Ingstad, husband and wife. Robert Ingstad has interest in KGFX-AM-FM Pierre, SD; KBUF(AM) Holcomb and KKJQ(FM) Garden City, both Kansas; KKO(AM)-KKPR(FM) Kearney, NE; KLIZ-AM-FM Brainerd, KDHL(AM)-KQCL(FM) Faribault, and KQPR-FM Albert Lea, all Minnesota; and KFKA(AM)-KSQI(FM) Greeley, CO. Jan Ingstad has interest in Radio Ingstad Nebraska Inc. and is licensee of KKO(AM)-KKPR(FM) Kearney, NE. Action April 4.

■ **KWLM(AM)-KQIC(FM)** Willmar, MN (AM: BTC910222EB; 1340 kHz; 1 kw-U; FM: BTCH910222EC; 102.5 mhz; 100 kw; ant. 830 ft.)—Granted assignment of license from Lakeland Broadcasting Co. to Steven W. Linder for \$691,937. Seller is headed by H. Willard Linder and has no other broadcast interests. Buyers are Steven W. Linder (90.5%) and Paul R. Linder, brothers, and Paul R. Linder Trust (9.5%). Steven Linder is 20% owner of Lakeland Broadcasting Co., stations' licensee. Action April 5.

■ **KOKC(AM)** Guthrie, OK (BTC910225EA; 1490 kHz; 500 w-U)—Granted assignment of license from OKC Ltd./Ralph Tyler to Larry Jones International Ministries as donation. Seller is headed by Larry Jones, and has no other broadcast interests. Buyer is headed by Dan Mugg and has no other broadcast interests. Action April 5.

■ **WEUX(TV)** Chippewa Falls, WI (BAPCT901120KI; ch. 48; 640 kw-V; 64 kw-A; ant. 334.8 ft.)—Granted assignment of license from Family Group Ltd., III to Aries Telecommunication Corp. for \$7.6 million (sale includes WLAX(TV) Lacrosse and WBGA(TV) Green Bay, both Wisconsin; see "For the Record," Dec. 3, 1990). Seller is headed by Ed Ponger, Ron Kayes, Carl Martin, Leo Wotitzky and Don Clark, and is permittee of WEUX(TV) Chippewa Falls, WI. Buyer is headed by Mitchell A. Labert, Gordon F. Van Driel, Floyd L. Meyer, James L. Schneider and Thomas M. Olejniczak and has no other broadcast interests. Action April 9.

■ **WEKZ-AM-FM** Monroe, WI (AM: BAL910214GK; 1260 kHz; 1 kw-D; FM: BALH910214GL; 93.7 mhz; 36 kw; ant. 581 ft.)—Dismissed app. of assignment of license from Green County Broadcasting Corp. to Stateline Partnership for \$1.65 million ("Changing Hands," March 11). Seller is headed by Kenneth W. Stuart and has no other broadcast interests. Buyer is headed by Harish C. Puri (37.5%), Busaba Imhoff (37.5%), Gary R. Probst (12.5%) and Timothy S. Carney (12.5%) and has no other broadcast interests. Action March 29.

NEW STATIONS

Applications

■ **Pickford, MI** (BPH910327MA)—Seaway Broadcasting Inc. seeks 105.5 mhz; 6 kw; ant. 100 m. Address: 30 S. Mercer St., Princeton, IL 61356. Principal is headed by Ashley Herweg and Godfrey Herweg, and has no other broadcast interests. Filed March 27.

■ **Pearl, MS** (BPH910329MA)—Bobbey Imbruglio seeks 93.9 mhz; 6 kw; ant. 100 m. Address: 1006 Adkins Blvd., Jackson MS 39211. Principal has no

other broadcast interests. Filed March 29.

■ **Pearl, MS (BPH910328MA)**—Johnston & Johnston Broadcasting seeks 93.9 mhz; 3 kw; ant. 100 m. Address: P.O. Box 5657, Pearl, MS 39208. Principal is headed by Colon Johnston and Brenda Johnston, and has no other broadcast interests. Filed March 28.

Actions

■ **Colorado City, AZ (BPH891220MF)**—Granted app. of Uzuna Broadcasting Co. for 107.1 mhz; 64 kw; ant. 356 m. Address: P.O. Box 711, Colorado City, AZ 86021. Principal is headed by Joan Barlow, Teresa Richter, Loana Broadbent, Fern Barlow and Mildred Johnson, and has no other broadcast interests. Action April 2.

■ **Wilson, AR (BPH891219MH)**—Dismissed app. of Fred R. Flinn for 103.7 mhz; 3 kw; ant. 100 m. Address: 797 Reddoch St., Memphis, TN 38119. Principal has no other broadcast interests. Action March 28.

■ **East Hemet, CA (BPH880505MH)**—Returned app. of Ramona Broadcasting Co. for 92.9 mhz; .17 kw; ant. 312 m. Address: 1280 Sequoia Circle, Hemet, CA 92343. Principal is headed by William T. Jones and Frances T. Jones, and has no other broadcast interests. Action March 28.

■ **San Francisco (BP830511AG)**—Granted app. of South Jersey Radio Inc. for 610 khz; 5 kw; ant. 0 m. Address: 15 Shore Road, Linwood, NJ 08221. Principal has no other broadcast interests. Action March 20.

■ **Victorville, CA (BPED890802MK)**—Granted app. of Faith Communications Corp. for 88.5 mhz; 3 kw; ant. -3 m. Address: 2201 S. 6th St., Las Vegas, NV 89104. Principal is headed Jack French, and has no other broadcast interests. Action April 5.

■ **Tioga, LA (BP890518AB)**—Granted app. of Cavaness Broadcasting Inc. for 680 khz; .8 kw-D, .4 kw-N; ant. 0 m. Address: 123 East Main St., Lafayette, LA 70501. Principal is headed by Jose M. Cavaness and Roger W. Cavaness, and is licensee of KISY(FM) Tioga and KVOL(AM) Lafayette, both Louisiana. Action April 2.

■ **Savannah, MO (BPH900118MM)**—Granted app. of Savannah Radio Ltd. for 92.7 mhz; 50 kw H&V; ant. 150 m. Address: 3403 West 24th, Lawrence, KS 66047. Principal is headed by Robert E. Schmidt and Kenneth R. Braun. Schmidt has 49.3% interest in KAYS(AM)-KHAZ(FM) Hays, KHOK(FM) Hoisington, both Kansas and KVOP(AM)-KATX(FM) Plainview, TX; 49.3% interest in KFEQ(AM) St. Joseph, MO; 40% interest in KLOE(AM) Goodland, KS and KCOW(AM)-KAAQ(FM) Alliance, NE; 50% interest in KOOQ(AM)-KELN(FM) North Platte, NE; 49.3% interest in CP for KSWT(TV) Liberal, KS, and 49.3% interest in KWBW(AM)-KHUT(FM) Hutchinson, KS. Action April 4.

■ **Savannah, MO (BPH900118ML)**—Dismissed app. of Mary Gaines for 92.7 mhz; 50 kw H&V; ant. 150 m. Address: 2108 Riverforest Drive, Arlington, TX 76017. Principal is 50% shareholder of Stuart Gaines Broadcasting Corp., licensee of KSGB(AM) Ft. Worth, TX. Action April 4.

■ **South Congaree, SC (BPH910228MD)**—Returned app. of Valentine Communications Inc. for 95.3 mhz; 3 kw; ant. 100 m. Address: 143 Stoneridge Dr., Columbia, SC 29210. Principal is headed by Terry Hicks and Robert Glenn, and has no other broadcast interests. Action April 5.

■ **McAllen, TX (BPED891214MB)**—Granted app. of RGV Educational Broadcasting Inc. for 88.1 mhz; 2.1 kw; ant. 77 m. Address: 1701 E. Tennessee Ave., Harlingen, TX 78550. Principal is headed by John J. Fitzpatrick, Gustavo Barrera and Esther Duneagan, and is licensee of non-commercial educational KMBH(TV) Harlingen, TX, and permittee of new non-commercial FM on 88.9 mhz at Harlingen. Action April 1.

■ **Pearsall, TX (BPH880830MA)**—Granted app. of John W. Barger for 94.1 mhz; 3 kw H&V; ant. 91 m. Address: 2819 Woodcliffe Suite 204, San Antonio, TX 78230. Principal has no other broadcast interests. Action March 28.

FACILITIES CHANGES

Applications

AM's

■ **Gloucester, VA WXGM(AM)** 1420 khz—March 28 application for CP to make changes in antenna system.

■ **Tomahawk, WI WJJQ(AM)** 810 khz—March 21 application for CP to correct coordinates to 45 29 27N 89 43 36W.

FM's

■ **Phoenix, AZ KMXX(FM)** 101.5 mhz—March 20 application for mod. of license (BLH6108) for new antenna.

■ **Prescott Valley, AZ KIHx-FM** 106.3 mhz—March 19-informal objection filed.

■ **Murfreesboro, AR KMTB(FM)** 95.3 mhz—March 20 application for CP to change ERP: 4.68 kw H&V; ant.: 110 m.; change TL: 1.6 km N of the intersection of the intersection of State Hwy. 26 and State Hwy. 369 in Howard County, AR.

■ **Fort Bragg, CA KOZT(FM)** 95.3 mhz—March 25 application for mod. of license to increase ERP: 3.1 kw H&V (pursuant to docket #88-375).

■ **Pacific Grove, CA KOCN(FM)** 104.9 mhz—March 27 application for CP to change freq: 105.1 mhz; ERP: 4.2 kw H&V; ant.: 240.7 m.; TL: approximately 3.2 km N of Carmel Valley Airport (062), small, low-traffic airship; class: B1 (per docket #90-17).

■ **Rifle, CO KZKS(FM)** 105.3 mhz—March 18 application for CP to change ERP: 1.8 kw H&V; change ant.: 389 m.; change TL: Monument Peak Communications site on Grand Hogback Mtn., 14.7 km NW Rifle in Garfield County, CO; class: C2.

■ **Sarasota, FL WHVE(FM)** 102.5 mhz—March 21 application for CP to change ERP: 89.3 kw H&V.

■ **Waynesboro, GA** (no call letters) 107.1 mhz—March 15 application for mod. of CP (BPH890427MI) to change ERP: 6 kw H&V; change ant.: 90 m.; TL: 1.8 km W of Georgia Hwy. 56 & 9.9 km N of Waynesboro in Burke County, GA.

■ **Wrens, GA WRDW-FM** 96.7 mhz—March 25 application for CP to change ERP: 2.6 kw H&V.

■ **Kawaihae, HI KWIYI(FM)** 106.9 mhz—March 15 application for mod. of CP (BPH890504MB) to change ERP: 5.5 kw H&V; change ant.: 103.6 m.; TL: 6.8 km SE of Mamalahoa Hwy. and Saddle Rd. junction.

■ **Newton, IL WIKK(FM)** 103.5 mhz—April 1 application for mod. of CP (BPH880727MI) to change TL: 2.3 km from Newton, IL, at bearing of 90 degrees.

■ **Columbus, KS KOCDFM** 98.3 mhz—March 25 application for CP to change freq: 105.3 mhz; ERP: 25 kw H&V; change ant.: 64 m H&V; TL: township 34 S, range 23 E, section 31 of Cherokee County, KS; intersection of Hwy. 69166, 15 km S of Columbus, KS; class: C3 (per docket #90-453).

■ **Salysville, KY WRLV-FM** 97.3 mhz—April 3 application for CP to make changes: reconstruction of facilities.

■ **Oakland, MD WXIE(FM)** 92.1 mhz—March 18 application for mod. of license to increase ERP: 1.4 kw H&V (pursuant to docket #88-375).

■ **Newton, MS WMYQ-FM** 106.3 mhz—April 3 application for CP to change ERP: 3.54 kw H&V; ant.: 129.4 m.; change TL: 4.5 km NNE of Hickory, MS, from intersection of U.S. 80 & MS Hwy. 503, E 3 blocks, left 3.7 km, right on unmarked Rd. .8 km, site N of Rd. approximately 450 m.

■ **Olive Branch, MS** (no call letters) 95.7 mhz—March 19 application for mod. of CP (BPH880816MU) to change ERP: 6 kw H&V; change TL: 0.21 km at 90 degrees (T) from the intersection of Ridgeway Rd. and Mt. Moriah Rd., Ext. Memphis, TN.

■ **Petal, MS WMFM(FM)** 106.3 mhz—April 3 application for CP to change ERP: 4.18 kw H&V.

■ **Sikeston, MO KSTG(FM)** 97.7 mhz—March 28 application for CP to change freq: 97.9 mhz; ERP: 12.4 kw H&V; change ant.: 143 m H&V; TL: .6 km N of

Scott County Rd. Z, 3 km E of Vanduser, MO; class: C3 (per docket #90-443).

■ **Missoula, MT KZOQ(FM)** 100.1 mhz—March 25 application for mod. of CP (BPH9006261B) to change ERP: .48 kw H&V; change ant.: 681.9 m.; TL: atop of Mt. Dean Stone, 8.0 km S SW of Missoula, MT.

■ **Edmond, OK KOKF(FM)** 90.9 mhz—March 18 application for mod. of CP (BPED890322MC) to change ant.: 132.7 m.

■ **Woodward, OK KWFX(FM)** 93.5 mhz—March 26 application for CP to change freq: 100.1 mhz; ERP: 100 kw H&V; change ant.: 300 m.; TL: 5.6 km SW of Woodward, OK; class: C1.

■ **Camden, SC WPUB-FM** 94.3 mhz—March 5 application for mod. of license to increase ERP: 3.3 kw H&V (pursuant to docket #88-375).

■ **Cayce, SC WYYS(FM)** 96.7 mhz—March 25 application for mod. of CP (BPH891017ID as mod.) to change ERP: 3.3 kw H&V.

■ **Greenwood, SC WSCZ(FM)** 96.7 mhz—March 22 application for CP to change ERP: 4.1 kw H&V.

■ **Pierre, SD KLXS-FM** 95.3 mhz—March 22 application for CP to change ERP: 50.0 kw H&V; change to Channel 237C2 (per docket #89-181).

■ **Pierre, SD KGFX-FM** 92.7 mhz—March 28 application for CP to change ERP: 100 kw H&V; ant.: 146 m.; change class: C1.

■ **Cleveland, TX** (no call letters) 97.1 mhz—March 15 application for mod. of CP (BPH880428MM) to change ant.: 299 m.; change TL: on FM Rd. 945 approximately 1.4 km NW of Magnolia, TX.

■ **Denison-Sherman, TX KDSQ(FM)** 101.7 mhz—March 27 application for CP to change ERP: 17.6 kw H&V; ant.: 117 m.; change TL: 6.5 km SE from intersection of Rtes. 82 & 1417, TX; class: C3 (per docket #89-509).

■ **Kilgore, TX KTPB(FM)** 88.7 mhz—April 8 application for mod. of CP (BPED890109MA) to make changes in ant supporting structure height.

■ **Monahans, TX KGEE(FM)** 99.9 mhz—April 2 application for CP to change ERP: 98.4 kw H&V; ant.: 175 m.; other: replace existing FM broadcast antenna system with new HarrisERI-FMH-10 AC antenna system and add beam tilt.

■ **Seabrook, TX KRTS(FM)** 92.1 mhz—March 21-informal objection filed.

Actions

AM's

■ **Tucson, AZ KSAZ(AM)** 580 khz—April 2 application (BP900322AD) granted for CP to change city of license to Marana, AZ; increase night power to 1 kw; change TL: to 4 mi NW of Marana, AZ; and make changes in antenna system 32 27 18N 111 16 54W.

■ **Santa Clara, CA KNTA(AM)** 1430 khz—April 4 application (BMP900713AE) granted for mod. of CP (BP850313AC) to change TL: to San Jose Sewage disposal site, 2 km bearing 303 degrees (T) from intersection of Calaveras Blvd. and Nimitz Freeway, Santa Clara, CA; make changes in antenna system & reduce night power to 1 kw.

■ **Webster City, IA KQWC(AM)** 1570 khz—April 1 application (BP901205AA) granted for CP to reduce power to .147 kw and make changes in antenna system.

■ **Louisville, MS WLSM(AM)** 1270 khz—April 3 application (BP910115AB) granted for CP to reduce power to 2.7 kw; make changes in ant system and correct geographic coordinates to 33 70 20N 89 01 07W.

FM's

■ **Rogers, AR KAMO-FM** 94.3 mhz—April 1 application (BPH901012IA) granted for CP to change ERP: 5.2 kw H&V; change ant.: 216 m.; TL: near top of Garfield Mtn., Garfield, AR; class: C3 (per docket #89-450).

■ **San Clemente, CA KWVE(FM)** 107.9 mhz—April 5 application (BMLH900619KA) granted for mod. of license to install new antenna system.

■ **Washington WGAY-FM** 99.5 mhz—April 8 appli-

cation (BPH901211IF) granted for CP to change ERP: 21.8 kw H&V; change ant.: 229 m.

■ **Folkston, GA WOKF(FM)** 92.3 mhz—April 5 application (BMPH910131IA) returned for mod. of CP (BPH900806ID) to change ERP: 6 kw H&V.

■ **Lake Forest, IL WMXM(FM)** 88.9 mhz—March 22-CP is hereby forfeited.

■ **Washington, IN WRTB(FM)** 106.5 mhz—April 1 application for CP to change ERP: 35 kw H&V; change ant.: 177 m.; other: new taller tower adjacent to existing tower; new coaxial cable and antenna.

■ **Bardonia, NY WOKH(FM)** 96.7 mhz—April 5 application (BPH910208IB) returned for CP to change ERP: 3 DA kw H&V; ant.: 100 m.; TL: approximately .15 km due E of State Rd. no. 49, 6.1 km at 314 degree to Balltown, KY.

■ **Waterville, ME WMHB(FM)** 90.5 mhz—March 22-CP is hereby forfeited.

■ **Port Huron, MI WSAQ(FM)** 107.1 mhz—March 29 application (BPH900112IE) granted for CP to change ERP: 6 kw H&V.

■ **Slayton, MN KFDU(FM)** 103.1 mhz—March 22-CP forfeited and cancelled; call sign deleted.

■ **Bonne Terre, MO KDBB(FM)** 104.3 mhz—March 29 application (BPH901105IA) granted for CP to change ERP: .750 kw H&V; change ant.: 198 m.; TL: 3 mi NE of Bismark, MO on an existing tower, near top of Simms Mountain.

■ **Elko, NV KNCC(FM)** 91.5 mhz—March 29 application (BMPED901128MG) returned for mod. of CP (BPE880121MI) to change TL: 14.7 km at 245 degrees from Elko Mt. Radio site, Elko; minor change application.

■ **Lincroft, NJ WBIB-FM** 90.5 mhz—April 5 application (BMPED901010IA) granted for mod. of CP (BPE-D831107AE) to change TL: 765 Newman Spring Rd., Monmouth Co., Lincroft, NJ.

■ **New York WRKS-FM** 98.7 mhz—March 29 application (BPH900723IE) granted for CP to change ERP: 5.9 kw H&V; change ant.: 415 m.

■ **Southampton, NY WHFM(FM)** 95.3 mhz—March 22 application (BPH900921IF) granted for CP to change ERP: 5 kw H&V; use directional antenna.

■ **Burlington, NC WPCM-FM** 101.1 mhz—March 26 application (BPH900601IB) dismissed for CP to replace DA.

■ **Sallisaw, OK KKID-FM** 95.9 mhz—March 29 ap-

plication (BMPH901107IA) granted for mod. of CP (BPH890724IG as mod.) to change ERP: 30 kw H&V.

■ **Woodward, OK** (no call letters) 95.9 mhz—March 22-CP forfeited and cancelled; call sign deleted.

■ **Central City, PA WYSN(FM)** 101.7 mhz—March 22-CP is hereby forfeited.

■ **Jersey Shore, PA WRKK(FM)** 97.7 mhz—April 2 application (BPH901127IA) granted for CP to change ERP: 6 kw H&V; change ant.: 90 m.

■ **Palmyra, PA WCTX(FM)** 92.1 mhz—April 2 application (BMLH900213KA) granted for mod. of license to increase ERP: 3.3 kw H&V (per docket #88-375).

■ **San Juan, PR WIAC-FM** 102.5 mhz—April 3 application (BMPH910111ID) granted for mod. of CP (BPH861201IE) to change antenna supporting structure height.

■ **North Charleston, SC WYFH(FM)** 90.7 mhz—March 29 application (BPE901119IF) granted for CP to change ERP: 50 kw H&V; change ant.: 150 m.; TL: Dorchester Rd., E of U.S. 17A, 4 km SW of Summer-ville, SC.

■ **Navasota, TX KNAV-FM** 92.5 mhz—April 2 application (BMLH900618KB) granted for mod. of license to increase ERP: 3.6 kw H&V (pursuant to docket

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#88-375).

■ **Othello, WA** KZLN-FM 97.7 mhz—March 25 application (BMPH9009171H) granted for mod. of CP (BPH870320MB as mod.) to change ERP: 4.6 kw H&V; ant.: 232 m.; TL: Saddle Mountains Communications site, 11 km SSW of Othello on bearing of 232 degrees; Othello, Adams City WA; class: C3 (per docket #88-118) change coordinates. 46 45 55N 119 16 49W (per docket #88-118).

■ **Lancaster, WI** WJTY(FM) 88.1 mhz—March 29 application (BPED9010021B) granted for CP to change TL: the new proposed site is located E of the original which keeps its TV-6 interfering contour very close to original.

TV's

■ **Chapel Hill, NC** WUNC-TV ch. 4—March 28 application (BPET910129KE) granted for CP to change ERP: 100 kw (vis); ant.: 310.1 m; TL: Jones Ferry Rd., at Chatham County/Orange County Line; 6 1/2 mi S SW of Chapel Hill, NC; antenna: Dielectric TF-5CM; 35 51 59N 79 10 02W.

■ **Eugene, OR** KEVU(TV) ch. 34—March 28 application (BMPCT910214KH) granted for mod. of CP (BPCT860711KE) to change ERP: 3070 kw (vis); ant.: 259 m; TL: Antenna Farm, Southern area of Eugene, OR; Location: 0.5 mi SE of Blanton Rd., on mountain ridge Access Rd.; antenna: Jampro Antennas, Inc. JSM-2434-L-100-JCR8V, (DA); 34 00 04N 123 06 22W.

ACTIONS

Actions

■ Accepted ex parte pleading filed by Coalition to Preserve Financial Interest and Syndication Rule, and denied Coalition's request for Second Order Requesting Further Comment in financial interest and syndication rules proceeding. (MM docket 90-162, Report DC-1835, April 8 by Commission.)

■ Adopted rules implementing Children's Television Act of 1990. (MM dockets 90-570, 83-670, Report DC-1842, April 9, by R&O [FCC 91-113].)

■ Established rules and procedures that will give preferential treatment ("pioneer's preference") in its licensing processes to parties requesting spectrum allocation rule changes associated with development of new communications services and technologies. (General docket 90-217, Report DC-1838, April 9, by R&O [FCC 91-112].)

■ Authorized Educational Information Corporation to modify facilities of WCPE(FM) Raleigh, NC; authorized Campbell University to upgrade facilities of WCCE(FM) Buies Creek, NC. (Action by Commission April 3 by MO&O [FCC 91-104].)

■ Declined to adopt changes to relax equipment authorization requirements for most categories of equipment used by licensees in broadcast and cable television relay services. (GEN docket 87-552, by R&O [FCC 91-97] adopted March 25.)

■ **Aniston, AL** Denied Jacksonville State University review of staff action denying request to allot VHF TV channel 4 to Aniston and to reserve channel for non-commercial educational use. (MM docket 86-101, Report DC-1843, April 1 by MO&O [FCC 91-101].)

■ **Mcrae, GA** Ordered WDAX-AM-FM to forfeit \$1,800 for violation of sponsorship identification rules. (By MO&O [DA 91-439] adopted April 4 by Chief, Mass Media Bureau.)

■ **Des Moines, IA** Commission have reversed decision by Review Board and granted application of Midwest Radio, Inc., for new FM on channel 298C2. Board initially granted application of Ronald Sorenson. (MM docket 88-238 by MO&O [FCC 91-93] adopted March 22 by Commission.)

■ **Midway, KY** Denied Herbert Regenstein's request for reconsideration of Review Board's decision in new FM proceeding. (MM docket 89-544 by MO&O [FCC 91R-29] adopted March 21 by Review Board.)

■ **Biltmore Forest, NC** Granted application of Orion Communications Limited for new FM at Biltmore Forest and denied six mutually exclusive applications. (MM docket 88-577 by Decision [FCC 91R-27] adopt-

ed March 15 by Review Board.)

■ **Caldwell, TX** Denied application for review filed by Roy E. Henderson for FM upgrade of channel 236C2 for channel 236A. MM docket 88-48 (Report DC-1833, by Commission April 3, by R&O [FCC 91-105].)

ALLOCATIONS

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau, by R&Os adopted on dates shown, made changes in FM Table for following communities:

■ **Fayetteville, AR** Effective May 23, substituted ch. 221C3 for ch. 221A and modified license of KKEG(FM) accordingly. (MM docket 90-201 by R&O [DA 91-384]; adopted March 27 by acting chief, allocations branch, Mass Media Bureau.)

■ **Mountain Home, AR** Effective May 28; substituted ch. 2882 for ch. 288A, modified license of KPFFM(FM) accordingly (MM docket 90-598, March 28, DA 91-409).

■ **Livingston, TN** Effective May 23, substituted ch. 240C3 for ch. 140A and modified license of WXXG(FM) accordingly. (MM docket 90-126 by R&O [DA 91-383] adopted March 27 by acting chief, allocations branch.)

■ **Spokane, WA** Effective May 28 substituted ch. 2802 for ch. 280C3; modified license of KVXO(FM) accordingly. (MM docket 91-372, March 28, DA 91-411.)

■ **Bethlehem, WV** Effective May 28; substituted ch. 288B1 for ch. 288A; modified license of WHLX(FM) accordingly. (MM docket 90-384, March 28, DA 91-408.)

CALL LETTERS

Applications

Existing AM's

KRKE(AM) KSNO Gardiner Broadcast Partners Ltd.; Aspen, CO

WUNI(AM) WBCM Nicholas Communications Corp.; Bay City, MI

WPSI(AM) WBIG Wesco & Associates Ltd.; Conway, SC

Existing FM's

KMMS(FM) KUUB-FM Gilbert Broadcasting Corp. of Montana; Bozeman, MT

WZUR(FM) WXSJ Media Five Corp.; Bicknell, IN

Grants

New AM's

WTOR(AM) Jeffrey N. Eustis; Youngstown, NY

WVCQ(AM) Mark C. Graves; Brockway, PA

New FM's

KVNB(FM) Mary Moran; Roswell, NM

KVNG(FM) Radio Ingstad MN Inc.; Spring Valley, MN

KVNM(FM) Pueblo Radio Broadcasting Service; Oro Valley, AZ

KVNR(FM) Lucille Ann Lacy; Alva, OK

KVNV(FM) Pioneer Country Broadcasting Inc.; Norton, KS

KVNW(FM) AABG Inc.; Duluth, MN

WAYM(FM) S.W. Florida Community Radio Inc.; Columbia, TN

WCEZ(FM) Radio Delaware Inc.; Delaware, OH

WCYO(FM) Kentucky River Broadcasting Co. Inc.; Irvine, KY

WGGY(FM) Advanced Broadcast Tech. Inc.; St. College, PA

WVCN(FM) Brenda R. Tanger; Kennebunk, ME

WVCO(FM) Robert L. Rabon; Loris, SC

WVCU(FM) Cape Cod Radio Inc.; South Yarmouth, MA

WVCV(FM) Boalsburg Broadcasting Co.; Boalsburg, PA

WVCW(FM) Rosemary C. Fantasia; Barrackville, WV

WVCZ(FM) Tri-State Communications; Harrison, OH

WYFZ(FM) Bible Broadcasting Network Inc.; Evans, GA

New TV

WMBC-TV Mountain Broadcasting Corp.; Newton, NJ

Existing AM

WJNX(AM) WDKC Fairbanks Communications Inc.; Ft. Pierce, FL

Existing FM's

KHTX(FM) KPIG Radio Ranch; Freedom, CA

KGTR(FM) KURO Dakota Broadcasting Inc.; Huron, SD

KIXK(FM) KIXS Dallas M. Tarkenton; Canton, SD

KMTT(FM) KBRD Entertainment Communications Inc.; Tacoma, WA

KOTD-FM KZPG Platte Broadcasting Co. Inc.; Plattsburgh, NE

KRIO-FM KWCB April Communications Group Inc.; Floresville, TX

KVTY(FM) KITM RGV Broadcasting Inc.; Mission, TX

WBSY(FM) WZYJ Duplin County Broadcasters; Rose Hill, ND

WHVK(FM) WKQD-FM Fortune Media Communications Inc.; Tullahoma, TN

WWWQ(FM) WOVO Ward Communications Corporation; Glasgow, KY

WYOS(FM) WEAY Frank & Haley Inc.; Naticoke, PA

Existing TV's

KFXK(TV) KLMG-TV Kamin Broadcasting Co. Longview Ltd.; Longview, TX

KMTZ(TV) KVPP KMTR Inc.; Coos Bay, OR

WGAL(TV) WGAL-TV Pulitzer Broadcasting Co.; Lancaster, PA

WTBU(TV) WBUU Butler University; Indianapolis

Withdrawals

Existing FM's

KDOV(FM) KITM RGV Broadcasting Inc.; Mission, TX

KHCB(FM) KTUS Houston Christian Broadcasters Inc.; Galveston, TX

KNFX(FM) KSTZ River City Television Partners Ltd.; St. Genevieve, MO

WTKB-FM WBVD Big Tenn Communications Co. Inc.; Huntingdon, TN

WZZN(FM) WCCN-FM Central Wisconsin Broadcasting Inc.; Neillsville, WI

New FM

KSIZ(FM) Robert Warren Shivery; Jacksonville, TX

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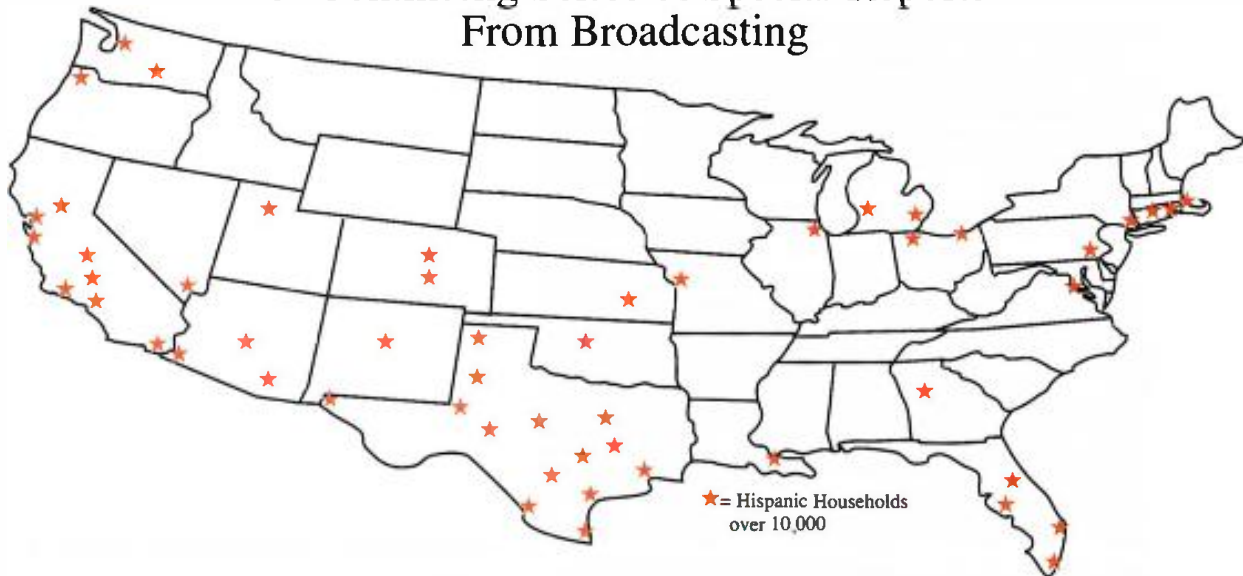
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RADIO

HELP WANTED MANAGEMENT

General manager: WLRW, Champaign, Illinois, #1 rated 20+ share Adult CHR in an excellent quality of life market with the University of Illinois. Pristine facility with world class staff needs a dynamic broadcaster with high people skills to lead this exemplary radio station. Fabulous income potential with a well-respected broadcast group. Send your resume to Edward Christian, President/C.E.O., Saga Communications, Inc., 73 Kercheval, Grosse Pointe Farms, MI 48236. All replies will be treated in confidence. EOE.

I'm looking for a LSM who is a proven leader with strong motivational skills. MA RT experience preferred. WRMM FM/AM is a soft rock station in Rochester, New York. Send more than a resume to: Kim Romano - WRMM FM/AM, 3136 S. Winton Rd., Rochester, NY 14623. EOE.

GM partner: NW MO small market group. Requires \$25-\$50K investment. Sell \$20K/mo., return \$250K 4-5 years. Enormous potential. AM/FM Richmond-Lexington, MO. Need street-seller with demonstrated sales record and strong ownership motivation. Shelby Hendee, KMRN, Cameron, MO 64429. 816-632-6661.

Group broadcaster is seeking general sales manager for successful Southwest coastal operation. Excellent opportunity for a broadcast professional with a track record of achievement desiring a career change with a growing company. Above average compensation package plus desirable life-style market. Send resume including compensation history, references and billing track record to Box L-39. EOE.

CFO sought for group headquartered in SE. Previous experience required. Resume and salary history to: Box L-40. EOE.

GM wanted for Southeastern growth market. Turn-around specialist with strong motivational skills and successful sales background needed for medium market station. Only proven winners need apply. EOE. Apply Box L-41.

General manager: Small market Ohio AM/FM seeks sales oriented GM who is hardworking, promotion minded, and an experienced team leader. Send resume, including compensation expectations, to Box L-42. EOE.

KSSN radio seeks exceptional leader/motivator for sales manager. Proven track record in media sales management. Superior training, creative and organizational skills a must. Five years of broadcast sales experience required. Resume to Jay Werth, Vice President, KSSN, PO Box 96, Little Rock, AR 72207. EOE.

General manager, northeast. Exceptional opportunity for an experienced general manager seeking a financially solid employer, a great market, and an established radio station. Stand-alone Class C FM in-format and profitable. Over-performing in ratings, under performing in sales. Serious money and benefits for the right person. Strictest confidence. Recognized and respected group. EOE. Box L-47.

GSM: List, train, and direct sales team to success. Outstanding opportunity. Hudson Valley, NY Oldies station. Aggressive performer needed. No BS. Call me today 914-454-7400. EOE M/F. Ask for owner.

General manager needed for Rocky Mountain medium market. Tremendous opportunity for an energetic, hard working motivator. Great facility and staff are waiting for a new leader to continue and enhance their already significant success. Send resumes to Larry Roberts, Sunbrook Communications, No. 1212 Washington, Suite 124, Spokane, WA 99201. EOE.

HELP WANTED SALES

General sales manager WALK FM/AM: Long Island's monster AC powerhouse, WALK FM/AM, looking for exceptional leader/motivator. Rare opportunity for take-charge professional with successful track record in broadcast sales management. Join strong, progressive group at flagship station in nation's 13th MSA. Resumes to Kelly Egan, WALK FM/AM, PO Box 230, Patchogue, NY 11772. EOE M/F.

Looking for a great place to live? Come to Great Falls, Montana. Top 25-54 Combo has established account list waiting for you. Resume to General Manager, KEIN/KLFM, 811 1st Avenue North, Great Falls, MT 59401. EOE.

Sand, sun, surf Virgin Islands, account executive/GSM, 3 FM's, 100 KW each. "No beach bums please." Minorities and women encouraged. Send detailed resume, basic salary needs, over-ride desires and bonus goals by FAX to Chairman 809-775-6063. Note: No free trips just to enjoy the Caribbean. EOE.

Radio sales promotion company seeks highly motivated, strong closers to call on radio station general managers. Must have proven track record as radio station manager or national radio sales rep, plus desire for excellent income and willingness to travel 1 or 2 state area. Send or fax resume to: International Broadcast Services, Inc., 167-B Belle Forest Circle, Nashville, TN 37221. 615-646-3628 (fax). EOE.

Top performer wanted: Sunbelt, Southwestern college town, fantastic 'our-season lifestyle in the sun. Dominant, class C FM Adult Contemporary leader has an immediate opening for a very, very good small/medium market radio account executive. If you're a hard-working, proven top performer and are ready to relocate to our beautiful college town to earn more and learn more, reply in confidence today to Box L-43. Immediate reply to all inquiries. Equal opportunity employer.

Ohio AM/FM, Chardon and Geneva: Growing broadcasting company has rare opportunity for sales consultants with proven track records. If you think you can handle the challenge, are a street fighter, self-motivated, and demand excellence, then we're looking for you. Rush your resume and references to Box L-44. EOE.

KNAC is seeking an account executive with previous radio broadcast sales experience. Professionals only. Resumes to: Nicki Randolph, KNAC, 100 Oceangate, Suite P-70, Long Beach, CA 90802. No calls. EOE.

HELP WANTED TECHNICAL

Chief engineer: WUSY, Chattanooga, TN. 3 years transmitter and studio equipment experience required. Radiotelephone Operators license required. SBE certification preferred. Submit resumes and salary requirements to: General Manager, WUSY, PO Box 8799, Chattanooga, TN 37411. WUSY is an equal opportunity employer.

HELP WANTED PROGRAMING PRODUCTION AND OTHERS

Openings on newstalk AM in college town. News, div 1 PBP, and talkshow host. Your qualifications will determine pay and responsibilities. Must be well-rounded team player. Send C&R to Terry Hester, KZIM, POB 1610, Cape Girardeau, MO 63702. EOE.

KNAC, the nation's premier hard rocker, needs experienced AOR program director with strong management skills. Resumes to Gary Price, VP-GM, KNAC, 100 Oceangate, Suite P-70, Long Beach, CA 90802. No calls. EOE.

SITUATIONS WANTED MANAGEMENT

Top ratings = top dollars. 10+ years radio management. Top sales/programing credentials. Bottom line oriented street fighter. Bill James 804-232-5197.

Music licensing problems? Fees too high? Too much redtape? Call me for help. Former BMI VP. I'll save you money, time and aggravation dealing ASCAP, BMI and SESAC. Bob Warner, 914-634-6630.

Leader/motivator: Experienced take-charge pro with successful record in sales and programing seeks situation in small/medium market. Dedicated hands-on, bottom-line oriented. Jack Davison, 916-345-9568 anytime!

GM ready to lead. Motivator, trainer, twenty year sales pro. Programing, production, organization and turnaround expert. Start-ups welcome. Please reply to Box L-48.

General manager for a radio station with a big signal. Twenty-eight years solid experience in sales, programing and engineering and a track record with some of the best stations in America. Sales trainer and motivator. Can build stations. No reasonable offer refused. Reply: PO Box 575, Lanesboro, MA 01237

General manager. Great track record. Top industry references. Vast experience in large and medium markets. Looking for long term relationship with solid company. Reply Box L-23.

SITUATIONS WANTED SALES

Salesman/announcer combo. 25 years sales experience. Want to return to radio, after a long absence. Ken Kendall, Box 67193, Rochester, NY 14617.

SITUATIONS WANTED ANNOUNCERS

Announcer, 12 years on air experience seeking position with stable AC, AOR or Classic Rock station. Available now, will relocate anywhere 803-661-5399.

SITUATIONS WANTED NEWS

Young but experienced news/sports anchor/reporter eager for advancement into a larger market. Call Bill at 912-452-0586.

SITUATIONS WANTED PROGRAMING PRODUCTION & OTHERS

Well versed with wide lifestyle experience talk-show host, engineer and programmer available in one seasoned package. J. Turner, 1042 Scott Street, Kulpmont, PA 17834.

14 years total, 7 years sales, 7 years farm broadcasting and sales, mature farm broadcaster, voting member N.A.F.B., looking for position south of I-70. Offers turnkey farm broadcasting while at the same time assisting sales. Reply to Box L-54.

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Cash for seller notes secured by radio stations. Abstract of note to: Investment Fund, 30 S. Old Glebe Rd., Suite 105, Arlington, VA 22204.

TELEVISION

HELP WANTED MANAGEMENT

Small market Rocky Mountain west VHF-TV network affiliate looking for a combination general manager/sales manager. Enthusiasm and ability to motivate people, community involvement, account development-innovative. Send resume and salary requirements and references to Box L-24 confidential. EOE.

KEDI TV/FM, Corpus Christi, Texas, is looking to fill the position of president and general manager effective October 1, 1991. Previous experience at a high level, such as president and general manager of a PBS affiliate station is required. Send inquiries to KEDI, Attention Chairman of the Search Committee, PO Box 6074, Corpus Christi, TX 78411 by June 1, 1991. EOE.

Dominant group-owned network affiliate in medium-sized southeastern market seeking GSM. Candidates should have solid track record in both local and national sales. Successful local sales management experience a must. Strong leadership ability, creative marketing ideas, plus rate and inventory management skills are prerequisites. Send resume and salary history to Box L-45. EOE.

Sales manager: Television sales manager for Chicagoland Home Shopping affiliated station. Compensation excellent!! Experience in start-up independents, radio or television sales. PO Box 973, Tinley Park, IL 60477 EEO employer.

Office manager wanted: Experienced office manager desired for Amarillo, Texas CBS affiliate. Columbine experience with all office functions including avails, logging, facilities and billing required. Must be able to manage and work well with station personnel. If qualified send resume and salary history to: Vice President of Broadcasting, Drewry Communications, PO Box 708, Lawton, OK 73502. EOE.

HELP WANTED SALES

Immediate opening available for a self-motivated, multi-dimensional, market oriented sales representative in the 33rd market. Minimum of 3 years TV sales experience preferred. Send resume (no phone calls) to Dick Groat, Local Sales Manager, WCMH-TV, PO Box 4, Columbus, OH 43216. EOE.

HELP WANTED TECHNICAL

Studio engineer, Wyoming Public Television. Many exciting challenges await the successful candidate for this position--from being an important part of the engineering team at Wyoming Public Television to testing fly fishing, kayaking or climbing skills in the surrounding mountains. Candidates should have solid experience in digital and analog circuitry as well as with one-inch tape machines, switchers, routers, audio consoles, studio cameras and other studio equipment. If you have at least three years of studio & production engineering experience, this may be your chance to experience Wyoming. Contact: Personnel Office, Central Wyoming College, 2660 Peck Ave., Riverton, WY 82501. Phone: 307-856-9291. Women and minorities are particularly encouraged to apply. CWC is an EEO employer. Application deadline. May 15, 1991.

Chief engineer: WOAC-TV, Canton, Ohio, is seeking a hands on leader with a strong maintenance and operational background. Supervisory and organizational skills are essential to guide an exceptional growth oriented team. Send or fax resume and salary history to General Manager, WOAC-TV, PO Box 35367, Canton, OH 44718. EOE. Fax 216-492-8487.

EIC for television mobile unit based in Texas and Florida. Strong maintenance background required. Send resume and salary requirements to: Tel-Fax Texas, 3305 Pleasant Valley Lane, Arlington, TX 76015. EOE.

Maintenance technician wanted for state-of-the-art Honolulu television station. Minimum 3-5 years experience in studio maintenance; 1 inch, Beta, U-matic VTRS, analog & digital switching & processing, CCD cameras, automation systems. ENG & RF experience a plus. Fax resume & salary history to: Chief Engineer, KFVE-5, 808-842-4594. EOE/M/F

Chief engineer: Houston Public Television seeks a chief engineer for a state-of-the-art technical facility. Qualification should include the following: + F.C.C. General Class & Restricted licenses. + S.B.E. Broadcast Engineer certification. + Ten years work experience with a minimum of three years supervisory/management in broadcast television. + Computer and networking literacy. Salary: \$50,000 range. Send resume and a list of three professional references post-marked by May 13, 1991 to Laura Gonzales, KUHT-TV, 4513 Cullen Blvd., Houston, TX 77004. Houston Public Television is licensed to the Board of Regents of the University of Houston System. We are an equal opportunity employer. Women and minorities are encouraged to apply. No phone calls please.

Traffic manager, KDFW-TV. Minimum of five years experience. Knowledge of BIAS or similar system in a top 20 market required. Reports directly to VP sales. Please send resume and salary requirements to Frank Gregg, KDFW-TV, 400 North Griffin Street, Dallas, TX 75202. KDFW is an equal opportunity employer.

Transmitter engineer: KGBT-TV, Harlingen, Texas, is seeking a transmitter engineer with a minimum of 3 years experience with VHF transmitters. Please send your resume to KGBT-TV, Attn: Personnel Dept., PO Box 2567, Harlingen, TX 78551. EOE.

KTFH-TV 49 is seeking a maintenance engineer with studio and transmitter experience. Computer know-how a plus. Send resume and salary requirements to Calvin Smith, Chief Engineer, KTFH-TV, 256 N. Sam Houston Pkwy E., Suite 49, Houston, TX 77060. EOE. Fax 713-820-4048.

HELP WANTED NEWS

News anchor for 6 & 10pm newscast to complement male anchor on NBC affiliate in Texas. Applicants should have a minimum of two years anchoring experience. Send tapes and resumes to: Richard Howard, KTPX-TV, PO Box 60150, Midland, TX 79711. EOE.

Aggressive 100+ Midwest NBC affiliate seeks news anchor to work with powerful established male anchor for our early and late newscasts. Need ability to write, report, produce, make public appearances. Grow with company. Experience preferred. Send resume with photo, references and salary to Box L-11. EOE.

Prime anchor for WDEF-TV, Chattanooga, winner of AP's outstanding news operation in Tennessee 1989 and 1990. Looking for a strong communicator combining maturity, credibility, community involvement, family values and team leadership. Experienced only, please. Resume with references, salary history and non-returnable tape to Tony Windsor, News Director, 3300 Broad Street, Chattanooga, TN 37408. EOE.

Reporter/anchor with strong news judgement. Writing and producing skills to complement male co-anchor, ADI 175. Two years reporting, producing, or anchoring experience. Non-returnable tapes and resumes to Gary Smith, News Director, WHSV-TV, PO Box TV-3, Harrisonburg, VA 22801. No phone calls. EOE.

New producer/writer with 5 years experience in consumer journalism or related fields to produce syndicated news features for television stations. Strong script writing and factual reporting are essential. Start May, 1991. Southern Westchester (30 minute NYC commute). Send letter, resume, writing samples and/or tape to: Jennifer Levine, TV Dept., Consumers Union, 101 Truman Avenue, Yonkers, NY 10703-1057. EOE.

Producer: Number one, top quality, northeast TV station seeking experienced and creative news producer. Candidates should be experienced in news journalism, have a thorough knowledge of state-of-the-art equipment and have the ability to apply it to the production of our newscast. Resume to Box L-46. EOE.

Morning anchor/weekday reporter: Our last just catapulted to the 33rd market. We need someone who can shine on the set, hit the field and go for the jugular. We're AP award winner for best newscast. Dominant #1 in market. Newsroom computer, NBC affiliate. EOE M/F. T&R to Bill Huffman, WVVA-TV, POB 99, Bluefield, WV 24701. No phone calls.

"Crayolas and a slinky": That's what you'll need to be our weekend producer. In addition to weekends, you'll do fill-ins, assistant produce and work on our numerous special projects. Previous producing experience required. "Championship newsball" players should apply to: Tim G. Gardner, 119 E. 10th Street, Austin, TX 78701. EOE. Don't call us; we'll call you.

Top 10 station seeks experienced news TD for complicated, fast paced show. Need pre-production experience and know Grass 300, A-53, Leitch. Send resume & tapes to: Phil Crow, PO Box 2495, Fort Worth, TX 76113. EOE.

News promotion: KCCI-TV, Des Moines, is seeking an on-air news promotion writer/producer/editor with at least two years of experience in broadcast news. Superior writing skills expected as well as full working knowledge with 1", 3/4", and beta formats. Computer graphics and/or paintbox skills also a plus. We are looking for a creative, hands-on person for the news leader in the market. Send resume and tapes to Dave Busiek, News Director, KCCI-TV, PO Box 10305, Des Moines, IA 50306. EEO.

WPSD news seeks news producer for the noon and 5:00 newscasts. Candidate should possess strong journalistic and TV production skills. College degree and experience preferred. Send resume, writing examples and/or tape of a recent newscast to: Terry Reeves, WPSD-TV, PO Box 1197, Paducah, KY 42002-1197. M/F, EOE.

Seeking news director for 95th market with a minimum of 3 years experience in this position. Candidate must have strong managerial and leadership skills in order to oversee news department with two satellite bureaus. Please send resume and salary requirements to: Robert G. Salat, VP & GM, PO Box 2325, New Bern, NC 28561. No phone calls please. EOE.

Executive news producer: Candidate should have a solid news background with significant production experience in a major market and familiarity with all phases of news production. Send resume to: Henry Florsheim, WABC-TV, 7 Lincoln Square, NY, NY 10023. No phone calls please. We are an equal opportunity employer.

FT segment producers wanted for new daily magazine show. For consideration, send resume and tape immediately to: Matt Markovich KIRO-TV, 2807 Third Avenue, Seattle, WA 98121. EOE.

Weekly syndicated, magazine format/entertainment show is seeking co-hosts. Previous interview skills and field producing capabilities a must. Equal opportunity employer. Send tapes and resumes only (no phone calls please) to: Yvette Lewis Brown, Senior Producer, EBONY/JET SHOWCASE, 820 S. Michigan Ave., Chicago, IL 60605.

HELP WANTED PROGRAMING PRODUCTION & OTHERS

Director: WKRN-TV, Nashville, TN is looking for a director/TD to direct news, promotion and commercials. If you have two years of experience directing and switching, please send a resume and 3/4" non returnable demo tape to: Production Manager, WKRN-TV, 441 Murfreesboro Road, Nashville, TN 37210. Absolutely no telephone calls. EEO.

Post production editor: Suite includes Sony 5000 editor. Grass 300 switcher, NEC system 10 DVE, creativity, innovation, willingness to accept a challenge a must, both in-house and production clients. Should have reel of work available. Experience. EOE. Contact: Karen Rickard, Ops Mgr WBFS-TV 305-621-3333.

Producer: The Orbis Broadcast Group is seeking a television producer with five to ten years experience. The ideal candidate should combine a news and production background with strong research, writing and organizational skills. Candidates should be experienced in both studio and field production and have great interest in health and science issues. Applicants must have good client skills and be willing to travel and work various shifts. Send resume and cover letter to: Executive Producer, Orbis Productions, 358 W. Ontario, Chicago, IL 60610. EOE.

Art director: Major northeast market looking for a dynamic broadcast designer. Must have experience creating TV news graphics, electronic paint on-air graphics and animation, print advertising and operation of desk top publishing software. Send resume, salary requirements and non-returnable copies of work to Box L-50. EOE.

Promotion writer/producer: Are you the world's greatest promotion writer/producer? Are you a bit off the wall? Can you edit? Are you ready for a top market and no news? Come join ABBY, America's fastest growing television group, at STAR 64 Television. Call now for consideration 513-641-4400 and send your resume and non-returnable tape to Promotion Manager, STAR 64 Television, 5177 Fishwick Drive, Cincinnati, OH 45216. STAR 64 is an equal opportunity employer.

Copywriter/producer: Northeast affiliate needs creative individual who can take a spot from concept to client approval. Minimum 1 year experience in commercial television. Respond to Box L-49.

Television Marti, Office of Cuba Broadcasting. Experienced television executive is sought for the position of director of TV Marti (\$61,640-\$80,100) in Washington, DC. Directs the US Government's television broadcast to Cuba. Must have experience managing TV production and operations. Position requires expert knowledge of Cuba and fluency in Spanish. An equal opportunity employer. 202-401-7114. Send application on Form 171 by May 17, 1991 to: USA/TV Marti Program, Attn: VOA/MP, 400 6th Street, SW, Washington, DC 20547.

SITUATIONS WANTED MANAGEMENT

Dynamic combination! Motivated broadcast/legal professional with background in production, promotions and sales as well as FCC and communications law. Interested in talking with you about joining your team. Address reply to Box L-51.

SITUATIONS WANTED TECHNICAL

Mobile EIC/video engineer: New York City/Pittsburgh, PA areas. 17 years broadcast experience including major television network and nationwide mobile production facilities. FCC licensed/SBE senior television certified. For resume and information: 201-494-9443.

25 years broadcast engineering. 14 years as hands-on television chief engineer. Start-up and upgrade construction both studios and transmitters. Experienced people management and departmental operations. Please reply Box L-33.

20 years engineering experience radio & TV, CE and corporate level. Heavy maintenance and construction, facilities planning, computers and programming etc. Seeking CE position, medium market. Call 904-721-0392.

Experienced TV chief engineer seeking position in the South. Supervisory and hands on experience. Construction and maintenance background. Call Jim 718-361-9122 leave message.

SITUATIONS WANTED NEWS

Excellent, experienced sportscaster looking for a fine station in which to work, also knowledgeable newscaster. 216-929-0131.

News directors: Freelance news photographer/editor available in Pittsburgh, PA, and surrounding area. Betacam SP or 3/4". Ron Bruno 412-276-0497.

Talented, telegenic reporter/sportscaster. Experienced producer/writer with savvy and presence; capitalize on these skills for your station. Let demo-tape convince you of on-camera ability. John 212-475-3051.

Vacation relief. Radio/TV professor at Midwestern university seeks summer news position. More than ten years experience as anchor/producer/reporter. Location unimportant. John Campbell 419-281-8279 or 419-289-5141.

Features. Winner 1989 NATPE Iris, 7 state AP features, documentary awards. Currently employed, ready to move. Reply Box L-52.

Save \$20,000! Sports director/anchor/reporter, 14 years sports, 4 years R/TV anchor, 8 years ENG reporter/producer. Built 2 staffs with documentable success. Unequalled in local coverage. Excellent writer, reader, motivator. Government benefits can subsidize salary to \$20,000. Stan Kosmoski 215-777-5664.

SITUATIONS WANTED PROGRAMING PRODUCTION & OTHERS

Aggressive young journalist with professional experience in television, radio and print journalism seeks position behind-the-scenes in sports production. Willing to relocate. Call Seth at 516-295-4332.

MISCELLANEOUS

Primo people: The news director's friend! We can deliver the best talent ... immediately. Call Steve Porricelli or Fred Landau at 203-637-3653 ... Box 116, Old Greenwich, CT 06870-0116.

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Your Washington news team: Aggressive Washington, DC television reporter and photographer. Customized packages with your sig-out. Live shots. Johnson & Mong 301-656-4449.

Reporters--never memorize again with instant memory wireless ear prompter and instructional video! Free brochure. Performer's Technologies, PO Box 52541, Atlanta, GA 30355. 404-233-0283.

Be on TV many needed for commercials. Now hiring all ages. For casting info. Call 1-800-662-4409 Ext. X-681.

Anchors, reporters, and producers needed for immediate openings in large and medium markets. Talented candidates looking to move up are urged to apply as well as minority and female job-seekers. 3/4" tape, resume, and references to: Talent Search, Box 310, 2205 River Plaza Drive, Sacramento, CA 95833. EOE.

Looking? Get your audition tape in shape. Fast. Confidential. Comprehensive. Write BYZCOM, 116 W. Florida Ave., Urbana, IL 61801.

ALLIED FIELDS

HELP WANTED INSTRUCTION

Communications/broadcasting. The University of Southern Indiana invites applications for a tenure track position as assistant professor of communications beginning Fall 1991. Individual will teach diverse 9-hour load in broadcasting, including such courses as survey, audio production, performance and programming, and manage a flourishing student AM radio station. Ph.D. preferred; master's required. A strong emphasis will be placed on candidate's ability to teach and maintain rapport with students and colleagues. Send letter, resume, and names of three professional references by May 15, 1991, to: Dr. Dal M. Herring, Chair, Department of Communications, 8600 University Boulevard, Evansville, IN 47712. AA/EEO.

The American University-Washington, DC: Two faculty vacancies in journalism/public communication for 1991-92 beginning in August. Position 1: Temporary one-year position at rank of instructor in the School of Communication beginning in August 1991 to teach basic writing course for freshmen and sophomores. Position 2: Temporary one-year position at rank of assistant professor in the School of Communication beginning in August to teach public communication and journalism courses for undergraduate and graduate students. Position is not subject to renewal. Other responsibilities: Advise students; make professional and/or scholarly contributions; participate in school and university activities. Qualifications: Record of publication, significant professional experience, and previous college-level teaching required; MA in the discipline or relevant field desired. Salary and rank: Salary is negotiable, depending on qualifications and experience. Successful candidate for position 1 will be appointed at the rank of instructor; position 2 will be appointed at the rank of assistant professor. The school: There are 800 undergraduate majors and 150 graduate students in programs in print journalism, broadcast journalism, visual media, and public communication. Other details: Curriculum vitae and three letters of recommendation should be sent to Search Committee, School of Communication, The American University, 4400 Massachusetts Avenue, NW, Washington, DC 20016-8017. The Committee will begin reviewing applications April 29, 1991. The American University is an affirmative action/equal opportunity employer. Applications from women and minorities are particularly invited.

Associate/full professor: The Communications, Film/Video Department has an anticipated tenure-track position available for an associate/full professor beginning in Fall 1991. Qualifications: Bachelor's degree; advanced degree preferred. Minimum of 3 years college teaching experience. Sufficient professional background (particularly a knowledge of appropriate technology) in either broadcast journalism, or film and video production to warrant professorial appointment. Evidence of administrative ability. Interest in educating a multicultural student body. Duties include teaching courses in area of specialization. Possibly assume administrative duties of the chair. Nurture expanding academic programs functioning in newly renovated and equipped quarters. Encourage creative and scholarly efforts of faculty and students through grants and other non-tax levy support. Salary range: \$37,308 to \$53,249, depending on experience and qualifications. Submit curriculum vitae, a letter describing unique qualifications, names and addresses of three references by May 28, 1991; to Professor Dennis DeNitto, Acting Chair, Communications, Film/Video Department, Shepard Hall, Room 470, City College of New York, 138th Street at Convent Avenue, New York, NY 10031. An AA/EEO Employer M/F.

MISCELLANEOUS

Government seized: Vehicles from \$100. Fords, Mercedes, Corvettes, Chevys. Surplus. Buyers Guide. 1-895-962-8000 Ext. S-7833.

Government homes from \$1 (U repair). Delinquent tax property. Repossessions. Your area 1-805-962-8000 Ext. GH-7833 for current repo list.

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Kiss your butterflies goodbye! Speak with comfort, confidence, conviction. Presentation skills workshops for sales people/GSM's/GM's...Video-taping/critiquing. Groups/privately. Make your next presentation your best. Call Jon Rosen, Impact Communications, 212-557-5610. "25 years of broadcast/training expertise."

EMPLOYMENT SERVICES

Reporters: Are you looking for your first or second position in TV news? We can help. Call M.T.C. at 619-270-6808. Demo tape preparation also available.

Attention beginners: My "Radio Employment Guide" shows you how to get hired. Free information 805-584-3283. Absolutely no obligation.

Government jobs \$16,040-\$59,230/yr. Now hiring. Call 1-805-962-8000 Ext. R-7833 for current federal list.

Attention radio, television station & cable system owners, GM's, PD's, news directors, chief engineers or anyone involved hiring personnel. I represent the best people in the business available for all positions. Send \$10 for complete listing. Bill Elliott, Consultant/Headhunter, 48 Imperial Avenue, Pittsfield, MA 01201.

Looking for a position in radio or television? If I can't find you the position you're looking for, nobody else can! Only \$250.00 for 1 year of service. Free information. Write: Bill Elliott, Consultant/Headhunter, 48 Imperial Avenue, Pittsfield, MA 01201.

Intelligence jobs. All branches. US Customs, DEA etc. Now hiring. Call 1-805-962-8000 Ext. K-7833.

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Camera coaching: Sharpen TV reporting and anchoring/teleprompter skills. Produce quality demo tapes. Critiquing. Private lessons with former ABC News correspondent. 914-937-1719. Julie Eckhart. Eckhart Special Productions.

Syracuse University Sportscasting Academy, June 29-July 5. Performance-oriented. Get both TV & radio play-by-play experience daily. Do simulated live broadcasts at the Carrier Dome (Big Orange Basketball camp) & MacArthur Stadium (Syracuse Chiefs Baseball). Create audio & video tapes of your performances. Work with veteran network sportscasters. For more info, call Syracuse University, 315-443-5404/4181, or write the Div. of Summer Sessions, Suite 230, 111 Waverly Ave., Syracuse, NY 13244-2320. EOE.

Be a TV anchor/reporter! 12-year veteran offers no-nonsense guide about things they don't teach in school. Send \$6.95 to P.C. Roberson, PO Box 1507, Cordova, TN 38018.

Critiques: For the serious television journalist. Get the competitive edge by sharpening your writing and learning to make your reports stand out. Call Mecca Media Consulting now! 908-244-9246.

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Wanted: 250, 500, 1,000 and 5,000 watt AM-FM transmitters. Guarantee Radio Supply Corp., 1314 Iturbide Street, Laredo, TX 78040. Manuel Flores 512-723-3331.

Used 1" or VHS videotape. Looking for large quantities. Will pay shipping. Call Carpel Video, 301-694-3500.

Top dollar for your used AM or FM transmitter. Call now. Transcom Corp., 800-441-8454.

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50Kw AM: CCA-AM 50,000 (1976), excellent condition. Transcom Corp., 215-884-0888. Fax: 215-884-0738.

AM and FM transmitter, used, excellent condition. Guaranteed. Financing available. Transcom. 215-884-0888. FAX 215-884-0738.

1Kw AM transmitters: Cont 314R1 (1986), Harris BC1H1 (1974), Transcom Corp., 800-441-8454, 215-884-0888, FAX 215-884-0738.

AM transmitters: Collins 820E/F, 10KW (1974), Cont. 316F, 10KW (1980), RCA BTA 10U, 10KW (1972), RCA BTA 5L, 5KW (1977), CCA AM5000D, 5KW (1972), McMartin BASK, 5KW (1980), McMartin BA2.5K, 2.5KW (1981), Transcom Corp., 800-441-8454, 215-884-0888, FAX 215-884-0738.

FM transmitters: Collins 831G2, 20KW (1975), Harris FM20H3, 20KW (1972), RCA BTA 20E1, 20KW (1973), CCA 2500R, 2.5KW (1978), Harris FM1H3, 1KW (1976), Transcom Corp., 800-441-8454, 215-884-0888, FAX 215-884-0738.

Transmitters, radio & television: TTC manufactures state-of-the-art low power and full power television; and FM transmitters 10 watts to 50Kw, solid state from 10 watt to 8Kw. Call 303-665-8000.

FM antennas. CP antennas, excellent price, quick delivery from recognized leader in antenna design. Jampro Antennas, Inc. 916-383-1177.

TV antennas. Custom design 60KW peak input power. Quick delivery. Excellent coverage. Recognized in design and manufacturing. Horizontal, elliptical and circular polarized. Jampro Antennas, Inc. 916-383-1177.

Blank videotape: Betacam, 3/4" & 1". Broadcast quality guaranteed and evaluated. Betacam \$4.99, 3/4" - 20 minutes \$5.99, 3/4" - 60 minutes \$8.99, 1" - 60 minutes \$24.99 in quantity. Magnetically examined, cleaned and packaged. Guaranteed to perform as new. Sony, 3M, Fuji, or Ampex. Free shipping. For more info, call Carpel Video toll free, 1-800-238-4300.

Broadcast equipment (used): AM/FM transmitters, RPU's, STL's, antennas, consoles, processing, turntables, automation, tape equipment, monitors, etc. Continental Communications, 3227 Magnolia, St. Louis, MO 63118. 314-664-4497. FAX 314-664-9427.

Equipment financing: New or used. 36-60 months, no down payment, no financials required under \$35,000. Refinance existing equipment. Mark Wilson, Exchange National Funding. 1-800-275-0185.

Lease purchase option. Need equipment for your radio, television or cable operation? NO down payment. NO financials up to \$70,000. Carpenter & Associates, Inc. Voice: 504-764-6610. Fax: 504-764-7170.

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Mosely Model PBR-30 channel 2 wire transmitter remote control system \$500 at Columbia, MO. Willie 314-474-5127.

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On-Air experience in radio and television broadcasting a must. Person must be flexible, hardworking and enthusiastic. Knowledge of Liveline 6.3, Doppler Radar, and Satellite interpretation necessary. General computer understanding needed. EOE, M/F. Tape and resume to:

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Promotion & Others

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Must possess ability to lead and direct local sales force. Applicant must have strong sales presentation skills with heavy involvement in local sports, news, and event selling. Additional experience in retail local development & vendor presentations is required.

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Requires excellent writing, editing, shooting, lighting and producing skills. 2 years commercial or promotion producing experience required or equivalent. If you have strong people skills and can meet deadlines we would like to hear from you.

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Requires ability to call and switch a fast-paced, hour long newscast. Applicant must have 3 years experience directing/switching news or equivalent. Must have strong editing, graphics, digital effects skills. If you are in a smaller market and possess these skills, we would like to hear from you.

Please send resume and/or non-returnable tape to:
MUST SPECIFY OPENING - NO CALLS, PLEASE



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For Fox-affiliate in top 20 market. Strong background in programing and sales/marketing required. Major market experience preferred. Excellent growth opportunity. Outstanding compensation/benefits package. Written replies only.

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ALLIED FIELDS

Public Notice

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4.5 Acres Two Towers
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FATES & FORTUNES

MEDIA

Jerald L. Kent, senior VP, chief financial officer, Cencom Cable Associates Inc., St. Louis, named executive VP, chief financial officer. **Thomas P. McMillin**, assistant VP, acquisitions, Cencom Cable Associates Inc., St. Louis, named VP, acquisitions and finance.

Ed Karlick, former president, television division, Chase Communications, Hartford, Conn., named president and chief operating officer.

Harold E. Protter, former managing general partner, WNOL-TV New Orleans, joins Koplal Enterprises Inc., St. Louis, as senior VP, strategic planning.

David A. Humphrey, general manager, United Artists Cable of Massachusetts, named VP and general manager, United Cable Television, Oakland County, Mich. and United Cable Television of Orion. **Teresa S. Eurich**, president and founder, National Academy of Nannies Inc., joins United Artists Cable, Denver, as director of human resources and training, Western division.

Howard Toole, general sales manager, WAOK(AM)-WVEE(FM) Atlanta, joins KHVN(AM)-KJMZ(FM) Dallas-Fort Worth, as VP and general manager.

Raymond Firment, general manager, WABM(TV) Birmingham, Ala., joins WNFT(TV) Jacksonville, Fla., in same capacity.

Susan Lynch, senior auditor, Ernst and Young, San Antonio, Tex., joins KENS-TV there as controller.

Peter Kitcullen, station manager, WOLF-TV Scranton, Pa., named general manager.

Rich White, general manager, WFAS-AM-FM White Plains, N.Y., joins WCTC(AM)-WMGQ(FM) New Brunswick, N.J., as general manager, succeeding **Tony Mariano**, retired.

Coby Cooper, director of marketing and technical services, KAIT-TV Jonesboro, Ark., joins WIS-TV Columbia, S.C., as director of broadcast operations.

Raymond A. Dougherty, account executive, WFTX(TV) Cape Coral, Fla., joins WPKD(AM)-WXKT(FM) Arcadia, Fla., as VP and general manager.

SALES AND MARKETING



Dominus

Jerome H. Dominus, senior VP, entertainment and marketing sales, CBS Marketing division, joins J. Walter Thompson USA, New York, as senior VP, director of national television and programming. **Emily Swartzentruber**, senior VP, supervisor, Warner-Lambert Group, J. Walter Thompson USA, New York, named media director, New York.



Swartzentruber



Wilcox

Susan Wilcox, local sales manager, KTTV(TV) Los Angeles, joins co-owned WFLD(TV) Chicago, as VP, general sales manager, succeeded by **Diana L. Vargas**, national sales manager, KTTV(TV) Los Angeles.

Luanne Cheney, national sales manager, WINS(AM)-WNEW-FM New York, named local sales manager, succeeded by **Brian Turner**, account executive, WINS(AM).

Gail H. Lucas, VP, sales manager, Christal Radio, New York, joins CBS Radio Representatives, there as account executive.

Bruce Werner, national sales manager, WODS(FM) Boston, named local sales manager, succeeded by **Dave Howard**, account executive, CBS Radio Representatives, New York.

Arlene Kekalos, director of Eastern advertising sales, Arts & Entertainment Network, New York, named regional VP, Eastern advertising sales. **Terry O'Neill**, director of national advertising

sales, A&E, named staff VP, national advertising sales, New York.

Laureen Ong, account executive, WPVI-TV Philadelphia, joins KRON-TV San Francisco, as local sales manager.

Appointments at The Interep Radio Store: **Michael Tsavaris**, manager of corporate accounting, New York, named VP, financial planning, financial services division; **Bella Ciccio**, payroll supervisor, named director of personnel, New York; **Nancy Kahn**, marketing and research specialist, Christal Radio Sales and **John Pedagna**, sales associate, Interep Radio Store, join Major Market Radio, New York, as account executives; **Adele Eglin**, sales coordinator, Durpetti & Associates, Philadelphia, named account executive, and **Brad Guagnini**, Southeast regional manager, Birch/Scarborough Research Corp., joins HNWH Radio Sales, Atlanta, as account executive, succeeding **Tom Byrne**, named regional manager and director of sales, HNWH Radio Sales, Philadelphia.

Richard Fobes, VP and account supervisor, DDB Needham, Chicago, named management representative. **Roger Lockhart**, VP, director of client services, Goldberg Marchesano Kohlman Inc., joins DDB Needham, Washington, as account supervisor.

Michael Feinberg, graduate, TeleRep Inc. sales training program, named account executive, wildcat sales team, New York.

Bill Karl, art director, Douglas Turner Advertising and Dancer Fitzgerald Sample, joins Lawrence Butner Advertising Inc., New York, as broadcast producer and art director.

Appointments at Austin Kelly Advertising Inc., Atlanta: **Helen L. Jones**, assistant manager of business affairs, Ogilvy & Mather, Atlanta, named manager of broadcast business affairs; **Edward S. Little**, senior media planner, Henderson Advertising, named media planner; **Laura L. Marable**, print production manager, Adair Greene Advertising, to same capacity; **Leanne Walasek**, production assistant, named manager of print services; **Caroline K. Stack**, assistant account executive, named account executive; **Denise D. Cohen**, account services coordinator, named assistant account executive; **Courtney A. Dalen**, assistant account executive, Lewis Clark & Gra-

ham, named to same capacity and **Theresa E. Sollars**, receptionist, named account service coordinator.

Carole Galloway, from HNWH, Detroit, and **MaryAnn Palise**, formerly from Tandy Corp., join WKQI-FM Detroit, as account executives.

Bob Pingelton, account executive, KOKH-TV Oklahoma City, joins KOCB(TV) there in same capacity.

P. Hope Hoover, promotion producer, WVEC-TV Hampton, Va. (Norfolk), named marketing director.

Charlie Bragg, VP and general manager, Cable AdNet National division, named to same capacity, Cable AdNet-North Carolina, Charlotte, N.C.

David Lowdermilk, paint box operator, WFMV-TV Greensboro, N.C., joins WXII(TV) Winston-Salem, N.C., as art director.

Jack Church, community affairs director and weekend weather anchor, WEVU-TV Naples, Fla. (Fort Myers), named account executive.

Michael O'Flynn, PC support analyst and technician, Montefiore Medical Center, Bronx, N.Y., joins Katz Media Data, New York, as media analyst. **Eve St. Cyr**, marketing representative, IBM, Southfield, Mich., joins Katz Radio, Detroit, as account executive.

Christine A. Tardio, VP, publicity and promotion, Harpo Inc., joins DDB Needham, Chicago, as manager of broadcast production.

Helayne Urban, account executive, Turner Broadcasting, New York, and **Roger Furman**, account executive, Sports News Network, join Nostalgia Television, New York, as account managers.

Jeff Flynn, national sales manager, and **Robin Whaley**, senior account executive, WACH(TV) Columbia, S.C., named local sales managers.

David Harbert, from WRAL-TV Raleigh, N.C., joins WIS-TV Columbia, S.C., as general sales manager.

George Brent, from WPIX(TV) New York, and **Perry G. Shelman**, from Independent Television Network, join The Learning Channel, New York, as account executives, Eastern region.

Skip Payton, general manager, WNFT(TV) Jacksonville, Fla., joins parent company Krypton Broadcasting Corp., as group national sales manager.

Scott Sterling, sales representative, Megastar Apparel Group, joins WSAZ-TV Huntington, W.Va., as account executive.

Michael J. Drake, director of media services, BBDO, New York, elected executive VP. **Jodi Reisman**, assistant media planner, BBDO, New York, named media planner.

Appointments at Seltel Inc.: **Terry Grimme**, account executive, Detroit, named general manager, Cleveland; **Steven Fays**, account executive, raiders team, Chicago, named to same capacity, New York; **Linda Danna**, local sales manager, KTXA(TV) Dallas, joins Dallas office as general manager, succeeding **Steve Henderson**, named general manager, Tampa, Fla.; **David M. Harris**, account executive, WFAN(AM) New York, named marketing manager, New York; **Andrea Kochera**, programming assistant, New York, named program analyst; **Barbara Burns**, sales manager, reds team, Chicago, named sales manager, rangers team there, and **Pam Rappaport**, account executive, raiders team, New York, named sales manager, raiders team.

PROGRAMING

Robert Sheehan, senior VP, business affairs and finance, domestic television division, Paramount Pictures Television Group, Hollywood, named executive VP, business affairs and finance.

Ed Lammi, VP, production, Columbia Pictures Television, Los Angeles, named senior VP, production.

Carl W. Menk Jr., senior VP, director of station sales and marketing, All American Television, New York, named executive VP, sales and programming.



Valentine

Dean Valentine, VP, television development, Walt Disney Television, Burbank, Calif., named senior VP, development.

Tom Alison, president, Integrated Media Marketing, Bronxville, N.Y., joins Home Shopping Network

Inc., St. Petersburg, Fla., as executive VP, strategic development.

Michael D. Walker, executive VP, marketing and communications, Madison Square Garden, named president, Madison Square Garden Event Productions, Los Angeles.

Robert Liug, senior research analyst, Group W Productions, Los Angeles, named manager, research. **Tim McMenamin**, research analyst, MGM-Pathe Telecommunications, joins Group W Productions, Los Angeles, in same capacity.

Michael Lehr, director of programming and production, Prime Cable, Chicago, joins SportsChannel, Cleveland, as director of programming and network operations.

John Campbell Collins, VP, marketing and syndication, Associated Television International, joins Majestic Television, new domestic syndication division within Majestic Entertainment, Burbank, Calif., as VP, director of domestic syndication.

Jim O'Neill, Eastern sales manager, MTM TV Distribution, joins Cannell Distribution, Los Angeles, as Northeastern sales manager. **Kathy Zeisel**, from Hearst Entertainment, joins Cannell Distribution, as Southwestern sales manager.

Stephanie Morton, account executive, E! Entertainment Television, Los Angeles, and **John Smith**, account executive, E! Entertainment Television, Hartford, Conn., named regional manager, affiliate sales department.

Dave Thomson, air personality, KHMV(FM) Houston, joins WKQI-FM Detroit, as afternoon air personality.

Dick Shannon, air personality, WEZN(FM) Bridgeport, Conn., joins KLTR(FM) Houston, as morning air personality.

Chris O'Brien, formerly from WWKN-FM and WKRQ(FM) both Cincinnati, joins WGR(FM) there as air personality.

Appointments at KONO(AM)-KSRR(FM) San Antonio, Tex.: **Chris Knight**, air personality, adds duties as music director; **Dave Anthony La Barrozz**, assistant program director, KLUV(FM) Dallas, to same capacity, and **George Hart**, consultant, Mike McVay Media, named program director.

Guilford C. Kater, president, Modern Talking Picture Service, St. Petersburg, Fla., retired, succeeded by **Eugene Caffero**, CEO, KDI Corp., parent company of Modern Talking Pictures.

Mark Gorelzenko, director of learning services, KOCE-TV Huntington Beach, Fla., joins Central Educational Network, Des Plaines, Ill., as senior education officer.

Cathy Perron, freelance programmer, Boston, joins WHDH-TV Boston, as program director.

Patricia M. Ryan, director, production administration, VH-1, joins Arts & Entertainment Network, New York, as production manager and staff producer.

Bruce Buchanan, formerly from WAXY-FM Fort Lauderdale, Fla. (Miami), joins KXLT(FM) Denver, as program director.

Lou Canellis, director of sports programming and executive producer, PIA Radio Sports, Chicago, named VP, sports programming and executive producer.

Betty Cheney, sales manager, U.S. sales, Cinema Source worldwide TV distributor, Los Angeles, named director, U.S. sales.

NEWS AND PUBLIC AFFAIRS

Tom Hansen, part-time weekend weather anchor, KBJR-TV Superior, Wis., (Duluth, Minn.), named full-time sports reporter and weekend sports anchor. **Chris Daniels**, air personality, KZIO(FM) Superior, Wis., joins KBJR-TV, as weekend weather anchor.

Dan Huff, assignment editor and reporter, *The Arizona Daily Star*, joins KGUN-TV Tucson, Ariz., as managing editor.

Mark Horner, reporter and anchor, KIMA-TV Yakima, Washington, joins KGUN-TV as general assignment reporter.

Greg Morrison, assignment editor, WXIA-TV Atlanta, joins WRIC(TV) Richmond, Va., as managing editor. **Eileen Abbott**, from WOWK-TV Huntington, W. Va., named free-lance reporter.

Harry King, director of media relations, The Monitor Channel, Boston, named news director.

Doug Rafferty, from WTTV(TV) Bloomington, Ind., joins WGME-TV Portland, Me., as co-anchor.

Tony Mastro, formerly from WTIC-AM-FM-TV Hartford, Conn., joins WTWS(TV) New London, Conn., as 10 p.m. weather anchor.

Audrey Eig, publicist, Lifetime Television, New York, named manager of public affairs.

Pamela A. Taylor, former public affairs director, National Center for Neighborhood Enterprise, joins Office of Cable Television, Government of District of Columbia, as director.

Christie Fletcher, weather anchor and reporter, WITF-TV Harrisburg, Pa., joins WIS-TV Columbia, S.C., as weatherman and reporter. **Ingrid Johansen**, producer, WTVB(TV) Durham, N.C. (Raleigh), joins WIS-TV as executive producer.

John Sherer, news director, WMYN(AM)-WMMH(FM) Minocqua, Wis., joins WISC-TV Madison, Wis., as producer. **Jane Riley**, video tape librarian, WISC-TV adds duties as public service director.

Randi Kushner, talent coordinator, McHugh and Hoffman Communications Consultants, McLean, Va., joins Group W Newsfeed, Washington, as producer.

Patrick Casey, executive editor, WUSA-TV Washington, joins WCHS-TV Portland, Me., as news director.

Steve Newvine, senior producer, WOKR(TV) Rochester, N.Y., joins WROC-TV there as executive producer. **Kai Kim**, Washington correspondent, WISC-TV Madison, Wis., and WISN(AM) Milwaukee, in connection with Medill News Service, Northwestern University, Evanston, Ill., joins WROC-TV as reporter.

TECHNOLOGY



Morris

Andrew P. Morris, manager of engineering and maintenance, transmitter, electronic newsgathering equipment and facilities, WNBC-TV New York, named director, engineering and operations.

Larry L. Seehorn, founder and president, Seehorn Technology and Horizon Software, joins Alamar Electronics U.S.A., Campbell, Calif., as director of engineering.

Jack D. Dillon, former assistant chief engineer, WOIO(TV) Shaker Heights, Ohio (Cleveland), named chief engineer, WBSV-TV Venice, Fla.

Paul Caramagna, VP, photo optic lighting business group, OSRAM Corp., Montgomery, N.Y., named VP, general lighting business group. **Bob Hohnacke**, national sales manager, general lighting, OSRAM Corp., named business group

director, photo optic lighting.

Darryl K. DeLawder, former senior engineer, Moffet, Larson & Johnson Inc. consulting engineering firm, Washington, joins Blooston, Mordkofsky, Jackson & Dickens, there as director of engineering.

Mark Grasso, marketing executive, Quantel, Stamford, Conn., named Mid-Atlantic district manager.

Don Shafer, former news director, KNSD(TV) San Diego, joins Gil Jimenez Broadcast Design, San Marcos, Calif., as design/marketing services.

John A. Colucci, VP, sales and marketing, Institutional Communications Co., joins Washington International Teleport, providers of domestic and international satellite transmission service for broadcast and cable networks, Alexandria, Va., in same capacity.

Robert Montgomery, president and CEO, Speech Systems Inc., joins Catel, Fremont, Calif., in same capacity.

Walter J. Hindenlang, manager of asset management operations, Hughes' Space and Communications Group, El Segundo, Calif., named director of operations, Hughes Aircraft Co.'s Galaxy Classroom project.

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PROMOTION AND PR

Suzanne Grethen, from WXOW-TV La Crosse, Wis., joins WLUK-TV Green Bay, Wis., as director, on-air promotion and advertising.

Hugh M. Ryan, senior VP, Creamer Dickson Basford, joins Fitzgerald & Co. Inc. marketing, advertising and public relations, Cranston, R.I., as VP, public relations.

Kenny MacPherson, from Kenny G and partner, MisManagement, joins Warner Chappell Music Inc., New York, as VP, creative services.

Jill Jones, director, creative services, Hanna-Barbera Productions Inc., Los Angeles, named VP, creative services.



Jones



Barnett

Jennifer Barnett, publicist, KPX(TV) San Francisco, joins KCAL(TV) Norwalk, Calif. (Los Angeles), as publicity director.

Larry Hess, executive producer, creative services department, WGAL-TV Lancaster, Pa., named creative services manager. **Cil Frazier**, advertising and promotion manager, WVEC-TV Norfolk, Va., joins WGAL-TV Lancaster, Pa., as director of marketing and promotion.

John P. LaPlace, senior account executive, Trent & Co., joins MWW/Strategic Communications Inc., River Edge, N.J., as account executive.

Johnny W. Thompson, VP, public relations, Pillsbury Co., joins Himle Horner Inc., Bloomington, Minn., as executive VP.

TV CLASS OF '91



Arnaz



Bernstein



Garner



Thomas



Wallace

New inductees have been named to the 'Television Academy Hall of Fame' by the Academy of Television Arts & Sciences Hall of Fame selection committee. This year's inductees are Desi Arnaz, Leonard Bernstein, James Garner, Danny Thomas, Mike Wallace and comedy classic *I Love Lucy*, the first time a television series has been selected into the Hall of Fame. The Academy has 50 members including this year's class and has been inducting members since 1984.

ALLIED FIELDS

KCNC-TV Denver will dedicate an annual media scholarship in the name of **Peter Rogot**, former KCNC-TV news and sports anchor, who died April 9, ('Fates & Fortunes,' April 15). For more information, contact Renee Rockford, manager of community affairs, KCNC-TV, 303-861-4444.

Jim Petro, regional manager, Copley Colony Cable Television, elected president, Southern California Cable Association, Los Angeles.

Kerry McCluggage, president, Universal Television, Universal City, Calif., named chair, five-member nominating committee of Hollywood Radio and Television Society.

New directors elected at National Cable Television Association, Washington: At-large system directors: **Alan Gerry**, Cablevision Industries Corp.; **June E. Travis**, Rifkin & Associates Inc., and **Jerry D. Lindauer**, Prime Cable. At-large programmer directors: **Timothy B. Robertson**, The Family Channel, and **Winston (Tony) Cox**, Showtime Networks Inc.; **Maggie Wilderotter**, Cable-

data, elected associate director. **Seth A. Davidson**, associate general counsel, specializing in First Amendment and copyright issues, NCTA, named legislative counsel.

Paula Peden, marketing manager, Television Bureau of Advertising, Chicago, named VP, membership. **David Beckman**, former account executive, Capital Cities/ABC Network Sports sales, New York, joins TVB, there as manager, regional development.

DEATHS

Kevin Peter Hall, 35, actor, died of pneumonia April 10 in Los Angeles. Hall most recently was known to TV audiences as "Harry," on *Harry and the Hendersons*. Additional TV stints include *Misfits of Science*, *Shannon's Deal* and *Room 227*.

Robert H. Hemmig, 71, retired ABC News cameraman, died April 10 of cancer in Arlington, Va. Hemmig was an NBC cameraman in Korean War in 1951 to 1952. He joined ABC News, Washington, in 1963 and was assigned to White House, Pentagon and Capitol Hill until his retirement in 1979. He founded Tecumseh Productions Inc. communications consulting firm, Alexandria, Va., and retired in 1987. He is survived by his wife, Phyllis, and son Scott.

Charles F. Quentin, 84, retired chief engineer, KRNT-AM-FM-TV Des Moines, Iowa, died of stroke March 28 there. Quentin's 31-year tenure with KRNT ended in 1971 when he retired. Surviving him are three nieces and five nephews.

Marie T. Zumpano, 60, traffic manager, WKTV(TV) Utica, N.Y., died April 13 of cancer there. Zumpano began career at WKTV in 1953. She is survived by her mother, sister and four brothers.

INDEX TO ADVERTISERS

Frank Boyle & Co. 59 ■ Classified ads 76-82 ■ Comsat World Systems Cover 4 ■ Greyhound Financial Corp. 56 ■ Hughes Communications 61, 63 ■ Katz American Television 17 ■ KGO 45 ■ King World Productions 11, 12-13 ■ H. B. La Rue 55 ■ Media-Professional Insurance, Inc. 5 ■ Media Venture Partners 57 ■ Odetics Broadcast 18 ■ Orbis Communications Cover 1 ■ Paramount Cover 2pg.3 ■ Professional Cards 73 ■ Services Directory 72 ■ Tribune Entertainment 46-47 ■ Univision 41 ■ Xerox 65 ■

FIFTH ESTATE

ROBERT TURNER: MULTIMEDIA'S ENTREPRENEUR

When former Multimedia Entertainment President Peter Lund left the company last year, Walter Bartlett, chairman of corporate parent Multimedia, considered over 70 candidates to replace him. In February, Orbis Communications founder and president Robert L. Turner got the nod. According to Bartlett, one of Turner's strongest credentials was his success at building Orbis from scratch, turning it into an enterprise currently worth about \$75 million.

Bartlett is counting on Turner to duplicate his success at Multimedia. "He's an entrepreneur," said Bartlett. "He started a company very much like Multimedia Entertainment and made it work."

Bartlett's relationship with Turner predates Orbis, which Turner founded in 1984. The two have known each other since Turner's days at Bristol-Myers, where Turner spent 15 years.

But Turner's formula for growing Multimedia Entertainment will be different from his strategy at Orbis, where success came from merging the company with Carolco, the Los Angeles film company, then using the latter's capital and film library to sell movie titles in domestic and foreign syndication.

At Multimedia Entertainment, the strategy will be more focused on producing programs from within. The company, which distributes *Donahue* and *Sally Jesse Raphael*, is developing three talk shows, the best of which Turner hopes to roll out by 1992 or 1993.

But the company is also expanding in-house production. Last week, it agreed to buy the Los Angeles-based telefilm division of Carolco for roughly \$10 million and made a deal with Orbis, whereby the rights to \$100,000 *Pyramid* will be transferred to Multimedia.

Turner's involvement in syndication spans two decades, almost to the start of his career in the affiliate relations department of ABC-TV. After two years at the network, Turner joined Bristol-Myers in 1966 when it was forming its in-house advertising department.

Turner's career ranged from plotting media strategies for various products to negotiating with the networks for advertising buys and developing programs for



syndication and cable. When he left in 1982, he was director of advertising services for the company's products in the U.S. and Canada.

In the 1970's, Bristol-Myers began developing fully-sponsored programs for syndication and cable. In 1972, Turner oversaw the development of *Young Doctor Kildare* for syndication. That was followed by another syndicated program, *In Search Of*.

On the cable side, Turner negotiated long-term deals with cable networks such as USA and WTBS. Bristol developed a program for USA called *Alive and Well*, which gave the then fledgling network 10 hours of programming a week. WTBS bought a 10 year package of inserts, *News from the World of Medicine*.

In July of 1981, Turner began another chapter in his career when he joined CBS Cable, which launched three months later. It turned out to be a short chapter. After struggling for about a year, CBS Cable, a cultural service, folded in the fall of 1982. Turner was brought to the cable network by its president, Richard Cox, who also came from advertising. "Dick was essentially a creative

and programing executive," Turner recalled. "I was brought in to fix [CBS Cable] from a business and management standpoint. It was too late. They grossly overspent, overstaffed and overmanaged. If they down-scaled it and let it grow, it could have worked and today might be worth \$600 million or more."

After a year, Turner left CBS, joining syndication company LBS as president and chief operating officer. "That was another interesting experience," Turner said. "It could be a second book." According to Turner, in the two years he was at LBS (reporting to company founder and chairman Henry Siegel) revenues increased from about \$18 million to \$100 million annually. During that time, LBS gave the cancelled NBC show, *Fame*, a second life in first-run.

After a year and a half with LBS, Turner decided to form his own company with the backing of several other companies, including Capital Cities (which divested after buying ABC), D.L. Taffner and Metromedia.

At Orbis, Turner's strategy was to develop and supply stations with so-called "B" product that advertisers used to round out their gross rating point schedules. But by 1987, it became clear advertisers were increasingly depending on cable to fill those needs, squeezing out small syndicators like Orbis. Orbis survived by merging with Carolco, which had films, including the "Rambo" series, but no television arm. Orbis, in turn, needed product.

Last fall, Orbis launched a remake of *Joker's Wild* in the crowded field of new

syndicated game shows. Like the others, it failed. But Turner remains determined to launch a game show, evidenced by Multimedia's acquisition of *Pyramid*. "Maybe I don't know any better," he said. "Pyramid is on the air at a deficit. But it's working. I have a winner." ■

Robert Lee Turner

President, Multimedia Entertainment, New York; b. May 2, 1941, New York; B.A., history, St. Johns University, 1962; U.S. Army, 1962-64; account representative, station relations, ABC-TV, New York, 1964-66; media supervisor, director of media and program services, manager of network television and director of advertising services, Bristol-Myers, New York, 1966-81; VP, general manager, CBS Cable, 1981-82; president and chief operating officer, LBS, 1982-84; president, Orbis Communications, 1984-91; present position since February 1991. m. Peggy Merz, Nov. 23, 1963; children—Lee, 26; Matthew, 24; Meg, 21; Beth, 19.

IN BRIEF

Mel Blumenthal is stepping down as president of MTM. He will be replaced by company's CFO, **Robert Klosterman**. According to Blumenthal, move was jointly made by him and MTM parent TV South, London-based broadcaster. Blumenthal will remain consultant to company for remainder of his contract, through August 1995, and has been asked to stay on boards of both TVS and MTM. TVS purchased MTM in 1988 for \$320 million (Blumenthal personally earned about \$47 million from sale). Studio reported losses of \$14 million for 1989; 1990 results are expected to be released next week. TVS, preoccupied with retaining its broadcast franchise in England (renewal filings are due May 15), considered selling company (Spelling was one contender), but now has

decided not to, following renewals of two network shows for next season—*Evening Shade* and *Trials of Rosie O'Neill*, both on CBS—and strong clearances (85%) for launch next fall of first-run remake of *WKRP in Cincinnati*.

Palm Beach County State Attorney office's has begun investigation looking into reports last week by NBC News, *New York Times* and others **that named alleged rape victim** at Kennedy mansion in Palm Beach last month (see page 25). State of Florida has law, dating to 1911, that bans public identification of victims of alleged sexual assaults. State attorney David Bludworth has asked Palm Beach Circuit Court whether he can prosecute those media organizations under 1911 statute. Bludworth is also seeking clari-

fication on whether local affiliates that broadcast NBC News story could be held liable. NBC had no official comment, but network did inform affiliates in Florida last week that it believed law would not hold up in court on constitutional grounds. Separately, syndicated *A Current Affair* conducted telephone survey last week asking viewers whether they felt media "should disclose the name of a rape victim?" Results: 32,210 callers, or 93%, said no, and 2,585 (7%) said yes.

MGM-Pathe Communications Corp. chairman-CEO Giancarlo Parretti resigned last week, apparently under pressure from studio's chief lender Credit Lyonnais. **Alan Ladd Jr.**, chairman of Pathe's film operations, was named chairman-CEO

BROADCASTERS PICK UP STEAM ON MUST-CARRY/RETRANS CONSENT

Slowly and in what appears to be less than a fully coordinated manner, the broadcasting industry is beginning a must-carry/retransmission-consent push on Capitol Hill and at the FCC.

The Senate Communications Committee is preparing legislation that would require must carry, but allow broadcasters to opt for retransmission consent rights and the ability to negotiate with cable systems for payments and other considerations for signal carriage (see page 29).

Although provisions of the legislation are not settled, senior counsel Toni Cook said it would prohibit stations opting for retransmission consent rights from demanding must-carry protection for at least five years.

Such variations of option plans are being promoted by the broadcast networks and the Television Operators Caucus, a coalition of major television group broadcasters. During an NAB convention panel session, Bill Ryan, president, Post-Newsweek Stations, said the Media Group, which represents companies with broadcasting, cable and newspaper interests, has been discussing a option plan and majority of members support it.

Retransmission consent is appealing to network affiliates and large independents who feel programing is valuable enough that they can demand payments from cable operators. Small independents are prepared to settle for must carry—guarantee of carriage.

Meanwhile, the Association of Independent Television Stations and the NAB have agreed to attempt to restore must carry as an FCC rule, even though the U.S. Court of Appeals struck down two earlier sets of FCC must-carry rules as unconstitutional.

INTV hopes to attach a must-carry requirement to the upcoming "effective competition" rulemaking, but the NAB

feels persuading the FCC to open a separate proceeding may be the right way to go.

FCC Commissioner James Quello, champion of must carry, favors the "effective competition" approach, but others feel that if the FCC is to take up must carry at all it should be put on its own track. They fear a must-carry element added to new "effective competition" rules will increase the vulnerability to legal challenge.

INTV President Jim Hedlund seems optimistic about their chances. So far, he said, none of the commissioners has "slammed the door in our face." Hedlund acknowledged the poor track record of FCC must-carry rules in the courts, but said they "never had a proper defense."

NAB President Eddie Fritts said the association will be active at the FCC as well as on the Hill. The association is "genuinely pleased" with the Senate Communications Subcommittee's proposal. "What we heard sounds like a rationale way to approach the issue," said Fritts, who added that he expects that broadcasters will "rally around" the proposal.

At NAB, Ryan also mentioned an alternative to retransmission consent that would provide a means by which broadcasters could earn revenues for cable carriage. The scheme involves a change in copyright law that would entitle broadcasters to a share of the compulsory copyright fees for their role as "compilers" of programing.

Cosmos Broadcasting has also floated a proposal that has caught the eye of FCC Commissioner Ervin Duggan, among others. It would grant retransmission consent rights to broadcasters, but protect weak stations by allowing them to lease channels of cable systems at rate set by FCC.

NCTA President James Mooney declined comment on any aspect of the must-carry activity.

—NAJ

of MGM-Pathe. Parretti also gave up his position as chief executive of Pathe and was replaced by **Cesare De Michelis**, chairman of Italian publishing company Marsilio Editori. In light of Parretti's resignation, Credit Lyonnais committed to provide MGM-Pathe with \$145 million in additional financing.

Tracy Ullman filed suit against Fox Broadcasting Co. last Thursday for percentage of profits of Fox's *The Simpsons*, which originated on *The Tracy Ullman Show* as short vignettes. As part of her deal with Fox for *Ullman Show*, she was to receive percentage of profits from any characters created for show. According to suit, Ullman was also due to receive percentage of any merchandising revenue generated from characters, which in case of *The Simpsons* could run into millions.

Japanese satellite woes continued last week as **NHK lost second consecutive direct broadcast satellite to launch failure.** General Dynamics Commercial Launch Services sent self-destruct command to its Atlas I launcher after one of two second-stage engines failed to boost three-channel DBS bird BS-3H into orbit. NHK lost identical GE Astrospace-built BS-2X on Feb. 22, 1990, when Arianespace rocket exploded shortly after launch. Mitsubishi-owned Superbird B was lost aboard same Ariane rocket, and its Superbird A failed in orbit later last year.

Los Angeles Mayor Tom Bradley, as part of budget package sent to city council, recommended extension of city's 10% utility tax to cable service. It's first attempt to include cable under tax, which city believes would bring in \$20 million per year. Cable executives say tax will add \$4 per month to subscribers' bills and vowed to fight measure.

FCC and Department of Justice will coordinate handling—and share information—regarding indecency and obscenity complaints. DOJ will handle complaints with cable, radio common carrier, satellite, microwave and other subscription services. Agencies will share responsibility on complaints about radio, TV, dial-a-porn services, with agency receiving complaint responsible for its handling. Agencies will exchange regular reports detailing complaints and actions.

FCC levied tentative fine of \$25,000 on Galesburg Broadcasting Co. (GBC), licensee of WGIL(AM)-WAAG(FM) Galesburg, Ill., and KMDC(AM)-KIK-FM Fairfield, Iowa, for unauthorized transfer of

MULTIMEDIA MOVEMENT

Robert Turner, who was named president of Multimedia Entertainment three months ago, is acting quickly on his mandate to expand the company's production and distribution activity. Last week, the company purchased the telefilm production unit of Carolco Pictures (*Chernobyl: The Final Warning* and *Shattered Dreams*) for about \$10 million. Separately, Multimedia also agreed to acquire the rights to the new game strip, *\$100,000 Pyramid*, launched by Carolco subsidiary Orbis Communications, in January. Turner founded and ran Orbis for seven years (see "Fifth Estate," page 87). The production unit, which has been renamed Multimedia Television Productions, based in Los Angeles, employs about 20 staff people and has some 50 projects in development, including a Charles Bronson mini-series for CBS. Neil Russell will continue to head the production unit, according to Turner, who also said the unit would explore series development for the first time. *Pyramid*, now in about 50% of the country, will be a co-venture next season with Orbis handling station sales and Multimedia the barter advertising. If the show continues into the 1992-93 season, all rights revert to Multimedia. Meanwhile, sources said Carolco wants to focus its television activities on the sale of theatrical films to stations, through Orbis, where most of its success has come in the past.

control and transfer to foreign-controlled entity. GBC was 75% controlled by Galesburg Printing and Publishing (GPP), which in turn was controlled by Paragraph Three Trust of Last Will and Testament of Omer N. Custer. Because of litigation involving GPP, trustees appointed Harris Trust and Savings Bank, subsidiary of Bank of Montreal, as successor trustees in Dec. 1989. Because GBC did not file for transfer of control, FCC said it was "deprived of the opportunity to pass on the level of alien ownership." FCC said had GBC filed transfer application, it would not have been granted.

Network children's upfront broke last week with advertisers spending between \$180 million and \$190 million on three networks and Fox Saturday morning lineups. That total is slight increase over last year. Part of that can be attributed to new limit on advertising which may have offset declining people-using-television (PUT) numbers and usual share erosion and cutback in kid's programming by NBC and ABC. Totals for three networks and Fox, according to media buyers and network sources, was something like this: CBS, \$60 million; ABC, \$50 million-\$55 million; NBC, \$35 million-\$40 million and Fox, \$34 million-\$36 million. Costs-per-thousand, according to some estimates, were up 10%-12%.

CNN said Gulf war helped it register ratings and share numbers in all local television markets in February sweeps, first time cable network has had 100% penetration.

Jones Intercable paid USA Network \$6.2 million to settle lawsuit stemming from

Jones' dropping of service from its cable systems. Disclosure came in Jones's reporting of third-quarter financial results: revenues dropped 20% in quarter due to liquidation distribution in previous year.

ATC reported 12% increases in revenue and operating cash flow in first quarter of 1991. Revenue jumped from \$266 million to \$298 million, while cash flow increased from \$120 million to \$135 million.

Henson Associates sued Walt Disney Co. last week charging Disney with "outright theft" of late muppet creator Jim Henson's characters for merchandising, advertising and theme park attractions. Disney spokesperson said suit was outrageous. Relations between Henson family and Disney have soured since Henson's death and subsequent collapse of Disney-Henson merger that would have given Disney domestic and foreign production rights to all non-*Sesame Street* characters.

Time Life Video, owned by Time Warner, has contracted with *Civil War* producer Ken Burns and his creative team to produce 10-hour series, *The Old West*, for home video and likely simultaneous television release. (Time Life had exclusive consumer home video rights to *Civil War*.) It is first foray into television production for company. Time Life is currently in discussion with PBS and others about domestic television rights to series, and currently has representative at MIP-TV in Cannes, France, looking for potential rightsholders and underwriters for program. Series is based on 26-volume series of books that has sold over 25 million copies.

EDITORIALS

Committed to the First Amendment and the Fifth Estate

ROAD BEST NOT TAKEN

Our admiration for Ervin Duggan's perspicacity is exceeded only by our appreciation of his contribution to a rich new dialogue in Washington. There are times, however, when we must take different roads. So it is with the commissioner's new campaign to redefine and codify the public trustee concept.

Duggan, who by now should know a slippery slope when he steps on one (he usually waxes them with eloquence), would circumscribe what he considers base behavior while encouraging broadcasters to don a new school tie of civility and dogoodness. "We are drowning in freedom in this country," he declares, serving notice that what America needs are a few rules in high places to keep us in line.

Broadcasting is "special," he says with John Dingell (chairman of the House Commerce Committee) and the National Association of Broadcasters (which has long since risen above principle on this issue). By that he means it has been allotted special considerations (a place in the spectrum) and thus may be called upon to do the government's bidding. Because it is "special," of course, it is not accorded the same First Amendment rights as "un-special" media. Duggan cites approvingly the notions of public advocate Henry Geller, who for years has advanced a formula based on program percentages and transfer fees, with proceeds to public broadcasting.

There are, by the FCC's own count, some 10,868 radio and 1,475 television stations out there—more than a sufficiency to illuminate every corner of America with programing to delight and inform and otherwise satisfy the public interest beyond one's fondest dreams. Leave them alone, Mr. Duggan. Let them learn what it means to be free; the fairness doctrine has been gone four years and no one's missed it yet. Trust them to carry on the tradition that has gotten us this far this well. The public trustee concept is a Lorelei; behind it lurk rocks that could sink broadcast freedom forever.

DISSERVICE TAX

The Supreme Court misfired last week in upholding a discriminatory Arkansas sales tax on cable and satellite subscriptions that does not apply to such other subscriber-driven media as newspapers and magazines. The thinking underlying the majority opinion appears to be that the states' power to levy inequitable taxes does not suggest the opportunity for abuse when applied to the media, and that states have the freedom to discriminate against a particular medium so long as it is bigger than a bread box. Or, as Sandra Day O'Connor wrote for the majority: "The danger from a tax scheme that targets a small number of speakers is the danger of censorship... There is no comparable danger from a tax on the services provided by a large number of cable operators." That logic eludes us, as it did Justice Thurgood Marshall.

In his dissent, in which he was joined by Justice Blackmun, Marshall argues persuasively that the freedom of the press

"prohibits the government from using the tax power to discriminate against individual members of the media or against the media as a whole." Moreover, Marshall says, the court has ruled previously that the nondiscrimination principle applies to any selective tax that has the "potential of abuse," regardless of how innocent the intent. "By imposing tax burdens that disadvantage one information medium relative to another," says Marshall, "the State can favor those media that it likes and punish those it dislikes."

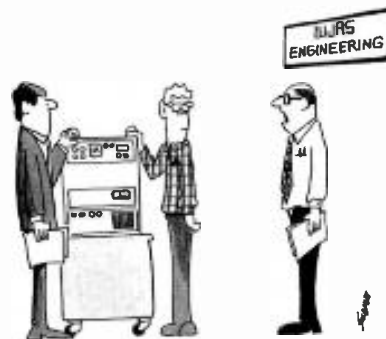
Sounds like censorship to us.

NO LAUGHING MATTER

There were always a few people in high school who pulled the fire alarm as a "joke," ignorant or uncaring of the risks to firefighters scrambling to answer a false alarm, and of the seriousness of preempting a fire crew that might be needed elsewhere. It wasn't funny, of course, but irresponsible and stupid. We were reminded of those incidents by the news that several disk jockeys had perpetrated a hoax in which a caller confessed on air to the murder of his girlfriend (see story, page 48).

We like a good joke as well as anyone, and recognize the Fifth Estate's potential as a first class prankster. In fact, we were recently reminded (by George Plimpton writing in *Esquire*) of the BBC TV April Fool's documentary on spaghetti farmers that aired some 25 years ago, complete with video of a farmer raking strands of spaghetti that hung like peat moss from the trees. A surprising number of people believed the show, but could hardly have been harmed by it. In the case of the nonexistent murder, however, a police department was allowed to waste time and money on a 10-month investigation of the "crime"; an *Unsolved Mysteries* segment was produced, applying a little more egg to the face of the medium, and people with missing or murdered relatives were emotionally victimized by the false lead. Some joke.

The hoax was apparently the work of a misguided few (as these things usually are), but those few do damage to the reputation of the whole industry.



Drawn for BROADCASTING by Jack Schmidt

"This was the 'one souvenir' from the convention you got me to clear with accounting?"

Good Company.



Broadcasting/Cable Interface IV, June 11, 1990

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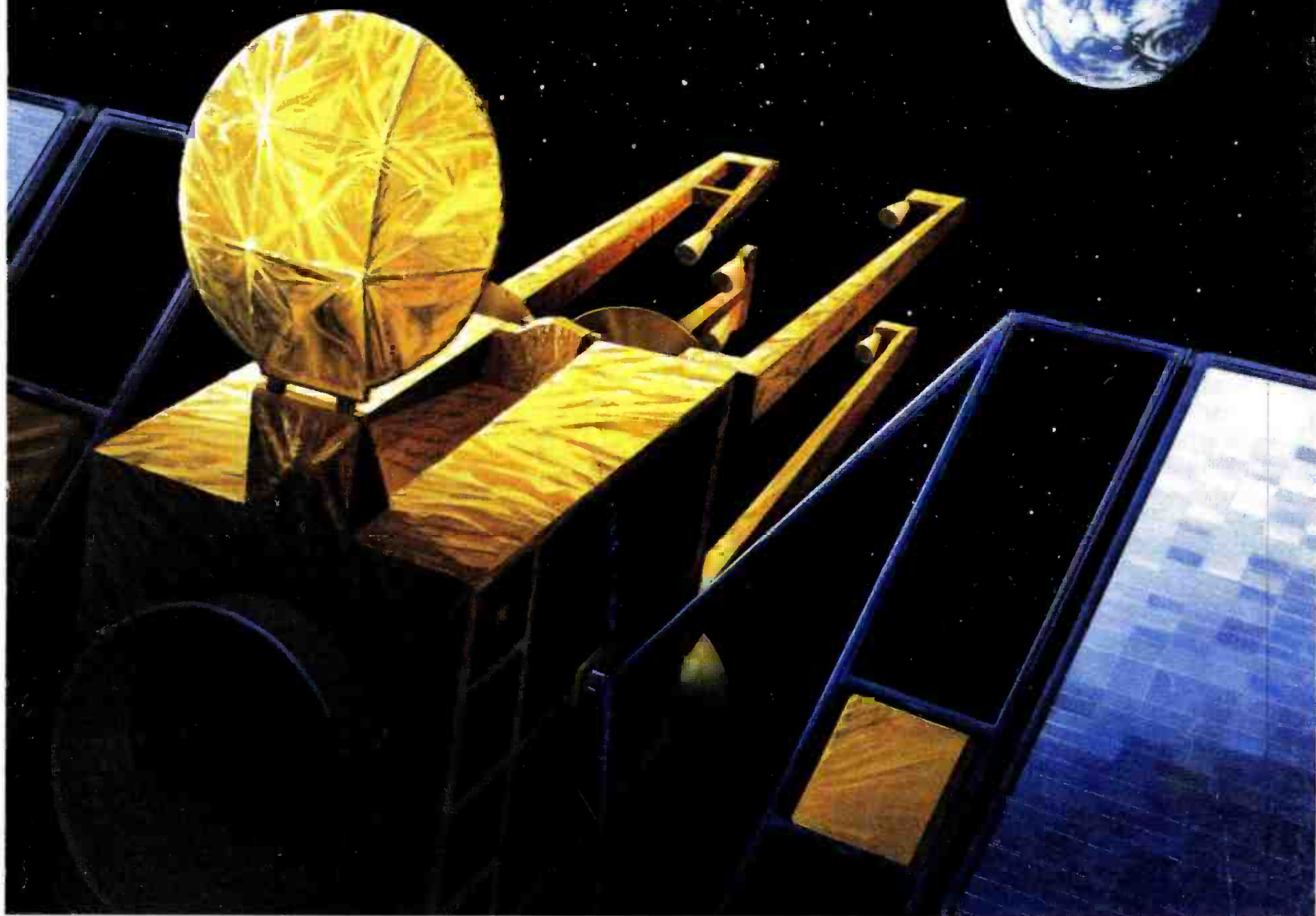
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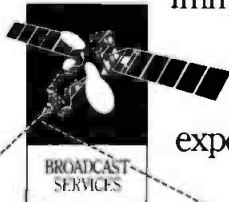
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