

WSTV Inc. challenges catv use of signal

All-out legal battle is seen in filing by WSTV Inc. of \$1 million damage suit against catv system in Clarksburg and Fairmont, W. Va.

WSTV owns ch. 9 WSTV-TV Steubenville, Ohio, and ch. 12 WBAY-TV Clarksburg-Fairmont among other stations.

Suit, filed in U. S. District Court in Fairmont Thursday, charges cable company "plucks" ch. 9 signals from air without permission for retransmission for fee over closed circuit. WSTV claims such action illegal interference in its contractual arrangements with NBC, CBS and film services. It alleges that catv actions interfere with ability of WBOY-TV to render proper service to its community, including outlying areas not served by antenna company.

In many cases, plaintiff declared, antenna company has disconnected built-in antennas in subscriber's tv receivers so it's impossible for them to receive ch. 12 off air. It claimed also that electrical leakage from catv cables distorts ch. 12 reception in Clarksburg and Fairmont.

Both Clarksburg and Fairmont catv is part of Fortnightly Corp. group. Fortnightly is headed by N. W. Levin. Clarksburg system feeds 8,300 customers; Fairmont, 5,000.

Both systems are also defendants in suit brought by United Artists charging unauthorized use of its film product. This suit is pending in New York federal court.

WSTV's move came two weeks after ruling that tv stations have no inherent property right in their tv signals. This viewpoint was expressed by federal judge in suit by Salt Lake City tv stations against Twin Falls, Idaho, catv operation (BROADCASTING, July 3).

FCC sets new deadline for Hartford pay tv

Deadline for beginning pay tv tests in Hartford, Conn., were extended by FCC to July 1, 1962. Commission, in announcement Friday, said request for extension by RKO General Inc. (BROADCASTING, July 3) included information warranting time extension. Previous deadline for commencement of Phonevision trial was Aug. 23. Basic problem, RKO said, is lead time required by Zenith to tool up and begin production of decoders.

Delay in start of Hartford pay tv

New York test

WDHA (FM) Dover, N.J., was set to begin stereophonic multiplex broadcast test in New York metropolitan area Sunday (July 9), 1-6 a.m. WDHA claims to be first fm station in New York area to begin testing new Zenith-GE system approved by FCC last April. Station is using prototype generator. It operates on 105.5 mc.

test will not affect TelePromTer Corp. plans for testing its Key Tv system this year, according to President Irving B. Kahn.

He said development of TelePromTer system, which is distributed by cable and, therefore, not subject to FCC approval, is ahead of schedule.

Appeals court upholds Beaumont ch. 6 grant

Seven-year-old grant of ch. 6 in Beaumont, Tex., to KFDM there was affirmed by U. S. Court of Appeals in Washington Friday. In unanimous opinion, court upheld latest FCC finding that payment of \$55,000 to KTRM Beaumont for withdrawing from race was proper and that loan of this sum for this purpose to KFDM by W. P. Hobby (KPRC-AM-TV Houston, Tex.) did not contravene public interest or constitute abuse of FCC processes.

Mr. Hobby originally had loan agreement with KTRM. When KTRM withdrew, Mr. Hobby made agreement to purchase interest in KFDM-TV. FCC's grant in 1954 to KFDM applicant was appealed by KRIC Beaumont (*Beaumont Enterprise*).

FCC approves sales involving six stations

Following sales of stations were approved among others by FCC, it was announced Friday:

- KBUR Burlington and KMCD Fairfield, both Iowa: Sold by G. B. McDermott and associates to RB Inc., for \$450,000. RB Inc. is headed by John P. Harris, who has interests in several Kansas and Iowa newspapers (including Burlington) and in KIUL Garden City and KTVH (TV) Hutchinson, both Kansas. Dissenting were FCC Chairman Minow and Commissioner Bartley; they felt hearing should be held on concentration of control of mass media in Burlington.

- WTVI (TV) Fort Pierce, Fla.: Sold by Gene T. Dyer to Atlantic Broadcasting Co. for \$175,795. Atlantic Broadcasting is headed by Isadore J. Fine, who with other Atlantic stockholders, owns KFEQ-AM-TV St. Joseph and KLIK Jefferson City, both Missouri.

- WJPR Greenville, Miss.: Sold by Emmet Holmes McMurray Jr. and Frank Wilson Baldwin to Bruce H. Gresham and J. C. Noble for \$165,000. Mr. Gresham has interest in WGCM Gulfport, Miss.

- KDLK Del Rio, Tex.: Sold by Don R. Howard to James D. Patterson and associates for \$112,500.

- KOFA Yuma, Ariz.: Sold by T. R. Williams and associates to Paul C. Schafer and group for \$105,000. Mr. Schafer controls KDOT Reno, Nev.

ANA opposes tax ban on defense contractors

Assn. of National Advertisers went on record Friday in opposition to defense appropriations bill language prohibiting defense contractors from using federal funds for advertising.

In letter requesting permission to testify before Senate Defense Appropriations Subcommittee, ANA said present regulations covering amount of advertising by contractors provide "highly effective protection" for taxpayers.

ANA claimed proposal "would cripple our economy and would destroy our mass communications structure" during full or partial mobilization.

Bill (HR 7851), which has passed House, will be subject of Senate Defense Appropriations Subcommittee hearing today (Monday).

TvB approves pay plan

Television Bureau of Advertising and other media associations Friday (July 7) endorsed new method of payment to media beginning today by Geyer, Morey, Madden & Ballard Inc., New York advertising agency (see page 37). Norman E. Cash, president of TvB, said in letter to agency that he applauds "instant cash payment" plan as positive step to bring more efficiency into advertising for benefit of advertisers.

Option time comments

Comments in FCC's reopened option time rulemaking are due Sept. 7, agency announced Friday (July 7). Reply comments will not be accepted. Oral argument will be held Sept. 28 on comments received.