

others to WKY Television System Inc. for \$700,000. WUHF, which was founded in 1953 and sold to CBS in 1954 went silent in 1958 but went back on the air when the station was sold by CBS to the Messrs. Samson, Gene Posner and others in 1960 and has been on the air since (it is not off the air as erroneously reported in CHANGING HANDS, Nov. 15).

**APPROVED** ■ *The following transfers of station interests were approved by the FCC last week (For other commission activities see FOR THE RECORD, page 92).*

■ KPAC-TV Port Arthur-Beaumont, Tex.: 50% sold by Port Arthur College to Jefferson Amusement Co. for \$1.5 million. Jefferson Amusement owned 50% of KPAC-TV before purchase. KPAC-TV went on the air in October 1957 on channel 4 and is an NBC-TV affiliate.

■ KSBW(TV) Elk City, Okla.: Sold by Southwest Broadcasting Co. to Bass Broadcasting Co. for \$275,000, including \$50,000 for noncompetition agreement. Bass is licensee of KFDA-TV Amarillo, KRIO McAllen, both Texas, and KFDW-TV Clovis, N.M., and expects to operate new station as satellite of KFDA-TV. KSWB(TV) began operating in 1961 on channel 8 and is affiliated with CBS. FCC action also included renewal of license and changes in facilities.

#### COMMUNITY TELEVISION

■ Santa Paula, Calif.: Sold to Storer Broadcasting Co. for undisclosed price. This makes Storer's seventh CATV system. The others are at Thousand Oaks, Ojai, Miners Oaks, Victorville, Fillmore and Wrightwood, all California. The twelve-channel Santa Paula system has a potential of 5,000 customers, Storer said. It carries TV programs from stations in Los Angeles and Santa Barbara, and provides an FM and a weather service. The system (in California's Santa Clara Valley) was purchased through Richard A. Moore.

#### New TV stations

As of Nov. 18 there were 119 television construction permits outstanding for stations not yet on the air. Of these 19 were commercial VHF's, 73 were commercial UHF's, 5 were educational VHF's and 22 were educational UHF's.

Stations which have recently gone on the air:

KAAR(TV) San Diego (ch. 39), received STA Nov. 10 to go on air with 11.7 kw visual. The station is licensed to San Diego Telecasters Inc. Lawrence Shushan is president and general man-

ager of KAAR. Vincent Paul is commercial manager. Paul H. Raymer Co. represents the independent UHF which has a top hourly rate of \$250. KAAR has color slides and film facilities.

WSVI(TV) Christiansted, V. I. (ch. 8), received STA on Nov. 4 to go on air with 660 w visual. Alfredo R. de Arellano is president; Billie J. Clark is manager, and Donald W. Husted is sales and program director. Rep is Island Network.

## CATV's argue microwave case

The community antenna television industry took a second swing at the FCC's jurisdiction over microwave-fed CATV systems last week.

Arguing before a three-judge U. S. Court of Appeals in St. Louis, Max D. Paglin, former general counsel of the FCC, charged that the commission lacked jurisdiction to require microwave relay companies to impose conditions on the CATV systems they serve. Mr. Paglin represented Black Hills Video Corp., and its parent Midwest Video Corp. The FCC, since last spring has ordered microwave systems

to require CATV customers to (1) carry local TV stations, and (2) protect the local station by blacking out for 15 days before and after programs from outside stations the local stations carry or plan to carry.

Mr. Paglin's main contention was that the commission lacked authority to impose these conditions because Congress has not yet acted on legislation to give the FCC this power. He also stressed that the commission should be made to hold an evidentiary hearing when a local station complains it is being adversely affected by a CATV system. And he called attention to the fact that in 1959 the FCC stated that it had no jurisdiction over CATV.

Henry Geller, general counsel of the FCC, emphasized that the same question had been decided by the District of Columbia appeals court in the 1963 Carter Mountain case favoring the FCC's authority in this field. He told the St. Louis court that the D. C. circuit court again upheld the FCC's jurisdiction recently in the Idaho Microwave case (BROADCASTING, Oct. 25).

Mr. Geller stressed that when a CATV system duplicates a program shown by the local TV station, or before it is shown locally, it is adversely affecting the local station's ability to survive and it is destructive of the

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