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**If Governor Meyner wonders what hit him, it was the "expert agency" doctrine.**

The New Jersey Governor came to Washington to argue personally that the Appeals Court should refuse to lift its stay against FCC approval of sale of WNTA-TV, Newark, to educational interests. What actually happened was that the court took the rare step of reversing its own decision.

The current legal battle was merely over whether or not the actual transfer of the station should be held up until the Court has a chance to hear arguments on whether the FCC should be overruled. New Jersey's argument was to the effect that the State should retain its only channel pending proof by the FCC that its decision was correct.

The Appeals Court decided in the first instance that it would be logical to hold up the transfer pending a decision on the merits of the case. However, the FCC asked the Court to reconsider on the grounds that the sales contract had a 27 November expiration date. The commission said the stay would, in effect, therefore settle the case. It added that this would amount to reversing the FCC.

There is no doubt that the Court, with all judges sitting, took this argument about overruling very seriously. That is the heart of the "expert agency" doctrine which constantly protects the FCC from reversal in the courts. Cases are remanded for consideration of additional issues, after which the Commission usually reaches the same decision once again. But the FCC is not easily overruled or reversed.

This same doctrine which likely caused the Court to decide on the unusual self-reversal, thus clearing the way for physical transfer of the station by National Telefilm to the New York area educational interests, shows how difficult a job New Jersey will face when the actual case is tried.

James O. Juntilla, FCC broadcast bureau assistant chief, told the Florida broadcasters seminar that the FCC is looking hard and long at sales of money-losing radio stations: he also made it clear this is just the first step along the line of solving the overpopulation of these outlets.

The Commission has long been worried about a situation in which stations continue to multiply, and the number of red-ink operations continues to hold at about one-third of those on the air. The Commissioners don't quite know what to do about it, since protection of existing stations from the competition of new ones would place the industry perilously near the public utilities concept.

This would mean a possibility that the FCC might have to inquire into rates charged, programing practices, and perhaps even into the wisdom of business practices. The Commissioners shudder at that prospect.

With all of the problems waiting solution and with its limited manpower, the FCC is still devoting many man-hours of work to this complex problem. Staffers are looking into various suggestions for ways to stop the rapid expansion of station numbers without running the risk of getting the Commission deeper into regulation.

It must be stated, as of the present moment, that nobody at the FCC has any great optimism about a solution which will be of genuine value.

Storz is the second broadcaster to be slapped with a \$10,000 fine by the FCC for "willful and repeated" violation of technical rules.

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