

funding—involving considerably more money—may be provided through annual or semiannual appropriations or, as suggested by the Carnegie Commission on Educational Television, a dedicated fund from proceeds of a TV-set excise tax.)

▪ Clarification of the bill's \$250,000 limit "for any one project or to any one station." Testimony on whether this limit would also apply to interconnection expenses conflicted, says Representative Macdonald.

▪ More exact specifications on the operating structure and authority of the Corp. for Public Broadcasting. Even after two weeks of hearings, Mr. Macdonald said, committee members had no clear answers to the key questions of where operational authority would be lodged under the bill, and what decisions could be made by whom.

## Arson suspected in WRKL fire

WRKL New City, N. Y., resumed on-air operations at noon last Thursday (July 27) after being burned out the previous Saturday night.

Station officials said Thursday that the fire loss came to a "minimum of \$25,000, but probably losses will run much higher" when a full evaluation is made.

The 1-kw daytimer, owned by Albert Spiro and located near New York City, was completely gutted by fire at about 11:15 p.m. on July 22. Cans of kerosene were found at the scene. The Rockland county district attorney's office, the Federal Bureau of Investigation and the local police are investigating suspected arson.

Earlier last week, Mr. Spiro charged that the station had been burned down because he had invited a Negro militant to present "black power" views during the station's *Hot Line* program on the afternoon before the fire. Mr. Spiro said he received several threatening telephone calls following the program.

**Help Given** ▪ WRKL, formerly housed in two trailers, is being rebuilt with the help of volunteers from the area, a county fund-raising drive and assistance from WJRZ in Hackensack, N. J.

WJRZ recently moved from Newark to Hackensack, and in the process bought brand new equipment. Upon learning of the fire, WJRZ officials offered Mr. Spiro the use of its old AM equipment—virtually a complete radio station—to get back on the air. In the meantime, a new transmitter was flown in from Quincy, Ill., by the Gates Radio Co.

Mr. Spiro, who suffered a heart attack last December, was confined to home last week on doctor's orders.

## AMST clear of ex parte

### FCC rules against CATV interests that claimed violation of rules

The FCC's ex parte rules bar persons from off-the-record contacts about adjudicatory cases in which they are interested—but they don't bar members of regulated industries from discussing matters of general policy with the commission. Indeed, the commission invites such comment.

The commission handed down that opinion in a series of four orders in which it rejected in the main contentions of CATV interests that representatives of the Association of Maximum Service Telecasters had violated the ex parte rules in individual meetings with four commissioners on May 9 (BROADCASTING, May 15).

However, the commission conceded that in one case some of the AMST representatives had not met the "higher responsibility" required of those involved in adjudicatory hearings, and laid down procedures to mitigate the effects of that failure.

The AMST delegation consisted of president Jack Harris, KPRC-TV Houston; C. Wrede Petersmeyer, Corinthian Broadcasting; Laurence E. Richardson, Post-Newsweek Stations; Lester W. Lindow, AMST's executive director, and Ernest W. Jennes, counsel.

**Commissioners Involved** ▪ They met with Chairman Rosel H. Hyde, and Commissioners Kenneth A. Cox, Robert E. Lee and Nicholas Johnson. The commission's general counsel, Henry Geller, was present during most of the meeting with Chairman Hyde.

The AMST representatives expressed concern during the meetings that the commission was "eroding" its basic CATV policy by granting waivers of the rule requiring CATV's to undergo a hearing before importing distant signals into major markets. They also stressed that, contrary to the understanding of some commissioners, enactment of a copyright law directed to CATV transmissions would not provide a basis for relaxing the distant-signal rule.

The commission vote on each of the orders was 6-to-0, with Commissioner Lee Loevinger abstaining. Commissioners Robert T. Bartley and James J. Wadsworth issued separate statements noting that they had not been contacted by the AMST officials but expressing support for the disposition the

commission made of each petition.

The petitions were filed by Multivision Northwest Inc., of Dalton, Ga.; Gencoe Inc., of Austin, Tex.; Tele-Vue Systems Inc., of Conroe, Tex.; Back Mountain Telecable Inc., Lancaster-York-Lebanon-Harrisburg, Pa.; and, jointly, by Southwestern Cable Co., Mission Cable TV Inc., Pacific Video Cable Co., and Trans-Video Corp., all in San Diego, Calif.

**One to Come** ▪ Still to be resolved by the commission is the complaint of American Television Relay. The commission received the pleadings in connection with ATR's complaint later than it did the others.

All the petitioners complained that they had been adversely affected by what they regarded as the ex parte contacts, and asked various forms of relief.

However, the commission, in denying Multivision's request that officers and members of AMST who had participated in the meetings be disqualified from CATV proceedings involving the waiver of CATV rules, said that the meetings did not violate the ex parte rules.

There was no relationship between the discussions and the hearing in which Multivision is a party, the commission said, "or between them and any other CATV proceeding which had been designated for hearing." The commission noted also that the discussions focused on general questions of policy.

**Permissible Discussion** ▪ "We have always regarded discussions of such broad-policy matters with industry representatives as permissible," the commission added. "Indeed, without them, our important legislative functions would be significantly stunted."

The commission thus rejected the contentions of Multivision and Gencoe that no person associated with the broadcasting and CATV industries, regardless of his interests, should discuss any matter of policy with the commission if that policy is being applied to a particular case. It also said that an industry member does not become an "interested person" in a case simply by being a member of an industry or of a particular trade organization.

The commission released copies of memoranda the AMST officials had left behind as well as a letter from Mr. Harris, which, it said, "reflect the discussions held." And it invited "information and ideas" on the policy questions involved "from broadcasting and CATV interests who are not participating in restricted proceedings in which these policies are at issue."

The commission concluded, however, that standards of conduct demanded by the ex parte rules had not been met where Tele-Vue was concerned. Tele-Vue has asked for waiver of the distant-signal rule to serve