
Northwest Pioneer Broadcasters

KVI vs KXA

760 kc To 570 kc - The Hearing

| *By Tom Read*

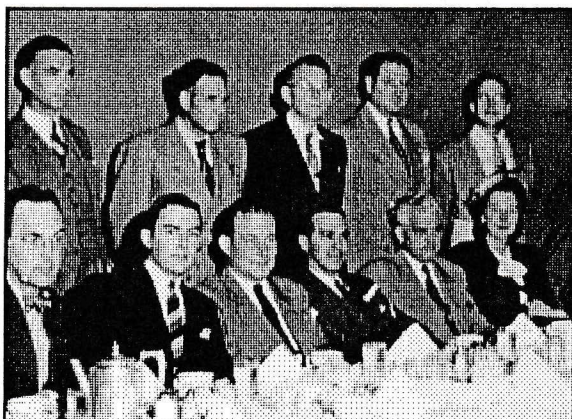
I had always heard that KVI and KXA swapped frequencies. I can't remember who said it but I'm sure they had no further details other than KVI used to be on 760 and KXA was on 570. (KXA moved from 760 to 770 as part of an international agreement where all US stations moved on one specific night. Some frequencies did not have to move, some moved only to the next highest frequency, but many moved up three positions. Examples are KMO which was on 1330 and was moved

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to 1360 and KOL which was on 1270 and was moved to 1300. But a station on 760 only had to move to 770.)

When NPB started the audio history project some years ago, we luckily found VERNICE IRWIN, long time owner-manager of KVI and daughter of E.M. Doernbecher. Mr. Doernbecher was not the original owner of KVI but he purchased it in the late 20's and the family owned it until it was sold to Gene Autry who still controls it today. But this NPB Chapter is not intended to be the *complete* KVI Story, only the fascinating history of the frequency swap between KVI and KXA. The point is that when NPB interviewed Mrs. Irwin we asked her if she had ever heard anything about a frequency change with KXA or a major hearing. She had no memory of it. It happened before she became actively involved in the station operation.

While I was back at the FCC in Washington doing research for NPB, I went through the KVI file and found the answer to what actually happened between KXA and KVI.



Vernice Irwin At Broadcasters Lunch.

KVI was constantly searching for a better frequency and certainly one on which they operate full time and one they did not have to share with another station. Remember that KVI and KMO shared 1340 for a short time. KVI then moved to a Limited Time frequency, 760, which meant they had to sign off at local sunset but could come back on about 10pm when the eastern dominant station on 760 went off the air. (In the early 30's very few if any large market stations stayed on the air all night).

The dominant station had to give their permission for a Limited Time station to operate at night after they signed off.

KVI must have thought limited daytime operation on 760 was better than sharing 1340 with KMO, but they were not content. The official records show that KVI even wrote the governing body asking for suggestions of a frequency on which they could operate full time. Remember that KVI was a network affiliate, Don Lee-CBS. KOL was also an affiliate. Obviously KVI could not hope to be the ONLY CBS affiliate when in December they were not even on the air during the network's prime evening schedule.

One would think that in the early 1930's with as few stations as there were on the air, that KVI could find a full time frequency. But it was more complicated than today. Now, if you don't cause interference with another station you can generally use a frequency. In the early 30's the Federal Radio Commission was empowered to regulate radio and they set up elaborate distribution of frequencies to various parts of the country. The well meaning purpose was to provide for an equal and fair distribution of AM frequencies across the United States and to keep the East from grabbing ALL the frequencies.

Driven undoubtedly by CBS founder William Paley's promise to give the network to KVI exclusively if they were full time, increased their signal over Seattle, and put a studio in Seattle; Doernbecher took a mighty bold and daring step. He applied for renewal of the KVI

license **BUT AT THE SAME TIME FILED FOR MODIFICATION OF HIS LICENSE TO MOVE FROM 760 TO 570. 570 just happened to be occupied.....by KXA.**

A hearing was held between December 8 to the 18, 1931. Because it was such an important event in Northwest broadcasting history, we reprint the complete results of that hearing.

FEDERAL RADIO COMMISSION

Washington, D.C.

In re application of

PUGET SOUND BROADCASTING COMPANY, KVI, TACOMA, WASHINGTON
FOR RENEWAL OF LICENSE, DOCKET NUMBER 1381.

PUGET SOUND BROADCASTING COMPANY, KVI, TACOMA, WASHINGTON
FOR MODIFICATION OF STATION LICENSE, DOCKET NUMBER 1380.

MOSBY'S INCORPORATED, KGVO, MISSOULA, MONTANA FOR
CONSTRUCTION PERMIT

AMERICAN RADIO TELEPHONE COMPANY, KXA, SEATTLE,
WASHINGTON FOR RENEWAL OF STATION LICENSE.

STATEMENT OF FACTS, GROUNDS FOR DECISION AND ORDER OF THE
COMMISSION.

Preliminary Statement and the Issues

This proceeding arose upon and involves the following four applications:

1. For renewal of license filed by Puget Sound Broadcasting Company (Station KVI), Tacoma, Washington. Station KVI now operates upon the 760 kilocycle frequency with 1 kilowatt power and limited time. A renewal of license is requested.

2. For modification of license filed by Puget Sound Broadcasting Company. Authority is requested to change the operating assignment of Station KVI from 760 to 570 kilocycles; from 1 kilowatt to 1 kilowatt day and 500 watts night; and from limited time to unlimited hours of operation.

3. For a construction permit filed by Mosby's, Incorporated, Station KGVO, Missoula, Montana. Station KGVO now operates upon the 1420 kilocycle frequency with 100 watts power and certain daytime hours of operation. Authority is requested to operate upon the 570 kilocycle frequency with 500 watts power and unlimited time.

4. For renewal of license filed by American Radio Telephone Company, Station KXA, Seattle, Washington. Station KXA now operates upon the 570 kilocycle frequency with 500 watts power and unlimited time. A renewal of license is requested to operate upon this assignment.

Since both the application of Station KVI for modification of license and the application of Station KGVO for a construction permit seek authority to operate upon the frequency assignment now licensed to Station KXA and the granting of either application would necessitate a withdrawal of the present operating assignment of KXA, the four above-entitled

applications were consolidated and designed for hearing in accordance with Section 11 of the Radio Act of 1927.

Subsequent to such designation and prior to the hearing, the applicant, Puget Sound Broadcasting Company, Station KVI, through its counsel took depositions of various witnesses at Tacoma, Washington, under authority granted by the Commission.

After due notice to the applicants and the filing of their respective appearances the consolidated applications finally came on for hearing and were heard before Chief Examiner Yost on December 8 to December 18, 1931, inclusive. All three applicants appeared and were represented by counsel. The Commission was represented by its general counsel and an assistant general counsel, and Station WNAX, Yankton, South Dakota, appeared as a respondent.

The Examiner's report was submitted January 30, 1932, and recommended:

1. That the applications of Station KVI for renewal of license and modification of license be granted so as to permit the operation of said station on the 570 kilocycle frequency with 500 watts power and unlimited hours of operation;
2. That the application of Station KGVO for a construction permit be denied; and
3. That the application of Station KXA for renewal of license be granted so as to permit the operation of that station on the 760 kilocycle frequency with power of 500 watts day and 250 watts night and limited time.

Exceptions to the report of the Examiner were duly filed by all three applicants.

STATEMENT OF FACTS

The Puget Sound Broadcasting Company is organized under the laws of the State of Washington with an authorized capital of \$125,000.00 fully paid up. The majority of the stock is owned by one E.M. Doernbecher who serves as the executive head of the company. The other stockholders are all Tacoma residents and responsible business and professional men of that city. This corporation, owner and licensee of Station KVI, has operated that station continuously since May 1, 1929, upon its present frequency and power assignment. The station is operated during all daytime hours and in the evening from 10pm PST until Midnight. The evening broadcasts, however, frequently continue until 1am.

The present net assets of the corporation are in excess of \$60,000.00. It appears that the part time operation of the station has not been profitable, large amounts having been expended in equipment, talent and other operating expenses for which there has as yet been



KVI Studio In The Old Tacoma Hotel

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no tangible return. The corporation, however, appears to be in a sound financial condition and well qualified to finance all future operation. Mr. Doernbecher possesses financial resources in excess of \$150,000.00 and has pledged his personal assets to the operation of KVI.

The studios of KVI are situated in the Tacoma Hotel in Tacoma and appears to be well constructed, contain all apparatus necessary for efficient operation, and are maintained in keeping with modern studio technique. Control lines are established to provide for the broadcast of events taking place in various churches, clubs, theaters and auditoriums. The transmitter is located near Des Moines, Washington about 13 miles from Tacoma and approximately mid-way between the cities of Tacoma and Seattle. The transmitter equipment employed is of standard Western Electric manufacture and is maintained in accordance with modern engineering standards. The station has apparently been operated within deviation limits set by regulation, and modern automatic frequency control equipment is now being installed at a cost of approximately \$3,200.00.

A well organized operating staff, including a director, musical directors, announcers, operators, hostesses, etc., is maintained.

Tacoma, Washington has a population of about 106,000 and is the county seat of Pierce County which has a population of 164,000. Tacoma is primarily an industrial city with a large percentage of its population engaged in such activities. It is the western terminus of three transcontinental railroads and sixty-five steamship lines list it as a port of call. In its imports and exports Tacoma ranks as one of the largest northwestern Pacific seaports. It is the lumber capital of the country, more lumber being manufactured there than at any other point, and its other industries include flour milling, furniture manufacturing, smelting and woodworking. Extensive dairying and farming activities are carried on in the surrounding territory.

There are a large number of educational institutions situated in the city including high schools, parochial schools and colleges of higher learning. More than fifty per cent of the residents are home owners, the large majority of whom own radio receiving sets.

The evidence indicates that the present good nighttime service area of KVI covers a radius of about 35 miles from its transmitter, and the area in which good service is rendered during the daytime extends to a radius of approximately 50 miles therefrom. A fair degree of service both day and night is rendered throughout an area within a 100 mile radius. Within a radius of 35 miles there is a population of about 660,000; within 50 miles about 728,000; and within 100 miles of the KVI transmitter about 1,000,000.

In the area to the west and south of the KVI transmitter there is an approximate population of 190,000 within 35 miles; 220,000 within 50 miles and 350,000 within 100 miles. The most dependable broadcast service rendered by any Washington station throughout this general area, and particularly in the counties of Thurston, Lewis, Grays Harbor, Macon and Pacific, is that afforded by KVI, although KJR, located in Seattle and operated with 5 kilowatts, apparently renders a fairly consistent good service in this territory. The service from all other stations is unsatisfactory, being subject to fading and interference and cannot be relied upon for good reception. It appears that the listening public in this general area to the south and west of Tacoma depend upon KVI for service during that station's limited hours of operation and rely upon KJR for service during the evening hours from sunset until 10pm.

Tacoma is the primary trading center for the general area to the south and west of the city and the commercial interests of the city depend to a large extent upon sponsored broadcasts over KVI to advertise their products in this region.

The programs broadcast over KVI seem to be well diversified and of general interest to the listening public. For the past two years the station has been affiliated with the Columbia Network and many popular features of that chain are broadcast. Prior to the time KVI became a Columbia chain outlet about \$3,500.00 per month was expended for program talent and in the event unlimited time operation is authorized it is expected that the resulting increased revenue will enable the licensee to secure talent of the highest quality and reputation. It appears that the musical talent and other program material in Tacoma is abundant.

The facilities of the station have been frequently offered free of charge to local charitable, religious and civic societies of Tacoma and nearby communities as well as to the Police and Traffic Departments of the State of Washington.

The applicant, Puget Sound Broadcasting Company, requests the proposed changes in operating assignment of KVI for two main purposes, (1) to enable the station to be operated during more evening hours than is now permitted under the terms of its existing license, and (2) so that a larger percentage of radio listeners, particularly in the trade territory to the south and west of Tacoma, may enjoy the broadcasts of the station.

The present license for Station KVI authorizes limited time operation which allows for all daytime hours until local sunset and such evening periods as might be authorized in accordance with General Order Number 48 as amended by Section 5 of General Order Number 105, which recite in part as follows:

GENERAL ORDER NUMBER 48

"A limited time broadcasting station is hereby defined as a station which, under its license from this Commission, is permitted to operate during hours allowed daytime broadcasting stations as specified in General Order Number 41, and in addition during certain time temporarily not used by the unrestricted station or stations on the same frequency. An example is the use of late evening hours by a limited time broadcasting station in the west after the closing of an eastern station on the same frequency.

A limited time broadcasting station desiring to operate after sunset shall so notify the Commission, which will ascertain what hours the use of which is not desired by the unrestricted station or stations on the same frequency, and will thereafter authorize the operation of the limited time station accordingly, subject, however, to the right of said unrestricted station or stations to reclaim the use of such hours upon reasonable notice to the Commission and to the limited time broadcasting station.

A limited time broadcasting station will not be permitted to operate at any time when its operation will cause hetrodyne interference with other broadcasting stations assigned to the same frequency.

GENERAL ORDER NUMBER 105

Section 5. Limited Time and Day Stations

(a) **In all cases where a broadcasting station is licensed to operate limited time or during daytime it shall not operate simultaneously with any other station assigned to that frequency at any time unless specifically authorized to do so by the terms of its license.**

(b) *****

(c) In all cases where limited time stations are licensed to resume operation at the time the unlimited time station on the same channel ceases operation, the licensee of said limited time station shall file in triplicate with the Commission a copy of its regular operating schedule, signed and approved by the licensee of the unlimited time station.

Upon receipt of such operating schedule, properly executed, the Commission will affix its file mark, retain one copy, forward one copy to the Radio Division of the Department of Commerce, and return one copy to the licensee of the limited time station filing the same who shall cause it to be posed with and considered as a part of the station license. Departure from said operating schedule may be had only by compliance with the provisions of paragraph (d) of Section 4 with respect to such departures by stations sharing time.

Since May of 1929 the station has usually been operating during all daytime hours until sunset, PST, remaining silent until 1:00am EST or 10:00pm PST, when station WJZ, New York City, the unlimited time station on the 760 kilocycle frequency, ceases operation, and KVI resumes operation and continues for the remainder of the evening hours.

It is contended by applicant, American Radio Telephone Company (Station KXA), that the operation of KVI during the late evening hours has not always been in conformity with Commission regulations and the license for that station in that KVI, during certain periods, has been operated after the signing off of station WJZ without specific authority from the Commission. In this connection the evidence shows that during a number of periods of time KVI has been operated after the signing off of WJZ, before the filing with the Commission of a copy of the regular operating schedule of KVI signed and approved by the National Broadcasting Company, licensee of Station WJZ. Copies of such schedules approved by National Broadcasting Company have, however, been subsequently filed with and approved by the Commission and the consent of said National Broadcasting Company was at all times obtained before any late evening operation was engaged in by the licensee of KVI. It appears, therefore, that while the operation of KVI has not at times been in strict conformity with General Order Number 48, as amended, such operation has been subsequently approved. At the present time there is on file with the Commission a verified approval by National Broadcasting Company to the operation of KVI after station WJZ has ceased operations, which appears to be at 1:00am, EST, except during the summer months when daylight saving time is in effect, during which time operation ceases at midnight, EST. Station KVI has not operated simultaneously with station WJZ except upon occasions when authority was granted by this Commission for such operation.

It is contended by the licensee of KVI and the evidence indicates that a large majority of the radio audience within the service area of KVI is engaged in business activities during the

daytime and many radio listeners, particularly farmers and those persons employed by industrial plants, usually retire at an early hour in the evening and receive no benefit from either the daytime programs of KVI or that station's late evening broadcasts. In order to render service to these people it is therefore necessary that KVI be permitted to operate during the early evening hours now prohibited by the license for that station and Commission regulations. A great number of complaints have been received from the listening public in and around Tacoma to the enforced termination of interesting programs at the local sunset period and it is undoubtedly true that many worth-while events, such as athletic contests, public speeches, musical features, and various matters of public interest, could be broadcast by KVI during that station's present "silent evening period" if unlimited time operation was enjoyed by this station.

Surveys made by advertising concerns doing business in Tacoma show that the evening hours between sunset and 10:00pm are among the most valuable periods for radio advertisers because of the great number of listeners during this time. A number of prominent business men of Tacoma testified that they would welcome an opportunity to sponsor programs over KVI during these hours.

In the event unlimited time operation is authorized it is proposed to offer the facilities of the station more frequently to such local societies as the Red Cross, Community Chest, Fire and Police Departments, and the various civic and welfare organizations. The present demand for time from these bodies cannot be fulfilled due to the station's restricted operating time. A number of representatives of such societies appeared as witnesses and testified that their respective organizations were all anxious to secure more time over the station.

Tacoma and immediate vicinity now receive service from Station KMO located therein and from the following stations situated in Seattle, in addition to that afforded by KVI:

KJR - 5 kilowatts
KOL - 1 kilowatt
KTW - 1 kilowatt
KOMO - 1 kilowatt
KXA - 500 watts

With the exception of KJR, however, none of these stations renders satisfactory service throughout the area of the south and west of Tacoma known as the trading territory of Tacoma and hereinbefore referred to.

It appears that Station KOL, Seattle, is also affiliated with the Columbia chain and broadcasts some of the features of that network. In the cities of Seattle and Tacoma and the territory between there is, therefore, some duplication of programs. This duplication exists, however, only as to a portion and not the whole of the stations' broadcasts and would not extend to the area hereinbefore mentioned, to the south and west of Tacoma.

The existing license for Station KVI, effective from February 1, 1932, to August 1, 1932, was issued upon and contains the following term and condition:

"This license is issued on a temporary basis and subject to such action as the Commission may take after hearing on the licensee's pending application for renewal of license. No authority herein contained shall be construed as a finding by the Federal Radio Commission that the operation of this station is, or will be, in the public interest beyond the term hereof."

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The applicant, Mosby's, Incorporated, is a corporation organized under the laws of the State of Montana, and the owner and operator of Station KGVO at Missoula, Montana. Mr. A.J. Mosby, president of the corporation and general manager of the station, is engaged in the electrical business in Missoula. Station KGVO was constructed by this licensee in the early part of 1931 and first licensed on March 17, 1931. Since that time it has been operated upon its present assignment, i.e., upon the 1420 kilocycle frequency with 100 watts power and daily hours of operation from 10am to 6pm.

Missoula, the location of KGVO, has a population of 15,000 and is the center of a farming and fruit growing area which has a population of approximately 35,000. The University of Montana is situated at Missoula, as is a branch of the United States Forestry Department, both of which institutions furnish some program talent for the station. The large portion of KGVO's programs, however, consist of phonograph records.

The only dependable broadcast service received in Missoula and vicinity is that now afforded by KGVO. The clear channel and regional stations located elsewhere, which at times deliver a fairly acceptable signal in Missoula, can not be relied upon for satisfactory service, their programs being subject to fading and static and the mountains which surround Missoula tend to make some of the service received from outside stations less satisfactory than it would be if the community were situated in a flat area.

The geographical separation between Seattle and Missoula is insufficient to permit the simultaneous operation of KXA and KGVO upon the same frequency, and the granting of authority to KGVO to operate upon the 570 kilocycle frequency would, therefore, necessitate the withdrawal of authority from KXA to operate on said channel. The operation of KGVO on 570 kilocycles would, furthermore, be expected to result in interference with the service of Station WNAX at Yankton, South Dakota, which operates on 570 kilocycles. The geographical separation between Missoula and Yankton is 878 miles, whereas a separation of 1050 miles is required between a 1 kilowatt station and a 250 or 500 watt station operating simultaneously upon the same frequency, to avoid objectionable interference.

Although the equipment proposed to be installed by the licensee of KGVO conforms to regulations, the evidence concerning its expected cost is not clear. The applicant proposes to expend the sum of \$1,500.00 for said equipment while other evidence indicates that modern

equipment which could be efficiently operated would cost approximately \$15,000.00. While the operation of KGVO has been consistently profitable, no showing is made with respect to the financial ability of applicant, Mosby's, Incorporated, to proceed with this project or of the financial resources possessed by that corporation.

The American Radio Telephone Company, owner and operator of Station KXA, is organized under the laws of the State of Washington with authorized capital stock of \$100,000.00 which is fully paid. At the present time the station represents an



KXA Main Studio - Bigelow Building

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investment of approximately \$55,000.00 and it appears that the recent income from its operation is greater than the cost for the same.

The American Radio Telephone Company has operated a broadcast station in Seattle for the past nine years [Note: that would indicate that KXA was licensed in 1923 to this corporation], the call letters and operating assignments being changed from time to time. Since 1927 Station KXA has been operated with its present power output of 500 watts and unlimited time.

Both studios and the transmitter of KXA are located in the downtown business district of Seattle and are apparently maintained in an efficient manner. Although the transmitter is composite the parts are of standard equipment and it has been improved from time to time.

The operating staff of the station includes a general manager, sales manager, announcers, musicians, and clerical help.

The programs broadcast feature meetings of civic clubs, public addresses, athletic events, musical programs and various matters of local interest. Approximately forty-five percent of the operating time of KXA is devoted to the broadcasting of phonograph records, a large library of such recordings being maintained. The licensee proposed to gradually decrease the time devoted to the playing of phonograph records and substitute therefore live talent. The station is operated upon an average of 17 hours daily and 16 hours on Sunday.

Seattle, Washington, the location of KXA, has a population of about 350,000 with an additional 100,000 residing in the immediate vicinity. In addition to the service rendered by KXA and a number of high powered stations located elsewhere, Seattle and vicinity now receive good broadcasting service from the following stations situated therein:

KJR 5 kw
KOL 1 kw
KOMO 1 kw
KPCB 100 watts
KRSC 50 watts
KTW 1 kw
KVL 100 watts

It appears that the nighttime good service area of KXA covers a radius of about 35 miles from Seattle which includes a population of approximately 700,000. The evidence is not clear as to the extent of the good daytime service area of this station but it appears that it is substantially greater than the nighttime area. Station KMTR, Los Angeles, operating on the 570 kilocycle frequency, apparently limits the nighttime good service area of KXA beyond the 35 mile radius from Seattle and the operation of Station KVI on 570 kilocycles would probably result in a slight restriction upon the present good nighttime service area of KVI. [Note: What they seem to be saying is that KVI would actually lose some night coverage on 570 because of the 570 station in LA. 760 was a clearer frequency during the hours KVI was allowed to operate at night].

The existing license for Station KXA, effective from March 1, 1932, to September 1, 1932, was issued upon and contains the following term and condition:

"This license is issued on a temporary basis only and subject to such action as the Commission may take on the licensee's pending application for renewal of license. No

authority herein contained shall be construed as a finding by the Federal Radio Commission that the operation of this station is, or will be, in the public interest beyond the term hereof."

The State of Washington is now assigned 5.56 units or 55 percent more than its statutory share of broadcasting facilities, and the Fifth Zone, in which the state is located is assigned 13.63 units or 17 percent more than its share of such facilities. The State of Montana, also located in the Fifth Zone, is assigned .19 units or 5 percent less than its share of radio facilities.

The facilities now assigned Station KVI represent a unit value of .75 and the facilities assigned KXA represent .6 unit. The operating assignment requested for KVI, i.e., 570 kilocycles with power of 1 kilowatt day and 500 watts night and unlimited hours, is charged as .8 unit, and an assignment providing for the operation upon 760 kilocycles with power of 500 watts day and 250 watts night upon a limited time basis is charged as .4 unit. The facilities now assigned station KGVO have a unit value of 0.1.

The Exceptions

The exceptions to the report of the Examiner filed by Mosby's Incorporated (Station KGVO), and Puget Sound Broadcasting Company (Station KVI) present no substantial questions with respect to the findings and conclusions of the Examiner.

With respect to the exceptions filed by American Radio Telephone Company (Station KXA), and more particularly the objections contained therein to the action of the Examiner in overruling motions directed against the taking of testimony in support of the KVI applications, the Commission is not in agreement. It appears from the record that the original application for modification of license filed by Station KVI requested in part power of 1 kilowatt both day and night. On November 27, 1931, eleven days prior to the hearing, the Commission permitted applicant, Station KVI, to amend its application so as to request nighttime power of 500 watts, instead of 1000 watts. General Order Number 93 provides that no amendment of an application as to power will be permitted unless the same is filed not later than twenty days before the hearing date. Notwithstanding the fact that timely notice of this amendment was given to the licensee of Station KXA, that applicant now contends that the before-mentioned regulation of the Commission now precludes the consideration of the evidence duly adduced at the hearing in support of the application for modification of license for Station KVI. With this contention the Commission is not in accord. When, as in this case, timely notice is given to interested parties and no showing is made that any prejudice results, objection to the action permitted must be overruled.

The amendment allowed constituted a withdrawal only of a portion of the original application. The proceeding could have gone forward upon the mere station of counsel for KVI that the showing he would make would be in support of the use of 500 watts nighttime power. And certainly the Commission may, under the law, consider or grant, in part, any application properly before it.

Other objections to the findings and conclusions of the Examiner, as contained in the exceptions filed by American Radio Telephone Company, present no substantial questions not necessarily involved in the consideration of all facts developed in this record.

Grounds For Decision

On the record in this case the Commission is of the opinion and so finds:

1. The service rendered by Station KVI in Tacoma and surrounding territory has been generally meritorious and in the public interest. The programs broadcast have been well diversified, adapted to meet the needs of the area served and apparently greatly appreciated by the listening public throughout that area.

2. The licensee of KVI is financially well qualified to continue the operation of that station and a well organized operating staff is maintained to insure its efficient operation. The physical equipment employed in the operation of the station conforms to modern engineering standards and Commission regulations.

3. It appears from this record that there is a need for additional broadcast service in the densely populated area to the south and west of Tacoma. The only satisfactory service now received in this territory during early evening hours is that afforded by Station KJR in Seattle and the operation of KVI during these hours will render a service in this region which is not otherwise provided.

4. Although the granting of authority to permit the operation of Station KVI upon the 570 kilocycle frequency would necessitate either the deletion of Station KXA or the assignment of that station to the frequency now occupied by Station KVI with limited hours of operation, it appears that Seattle and vicinity now receive abundant broadcast service from many other stations, including seven stations situated therein.

5. Although no showing is made in this record which would permit an order requiring the deletion of Station KXA, it appears that the granting of the application for renewal of license for that station so as to permit operation upon the 760 kilocycle frequency with power of 500 watts day and 250 watts night and limited time would enable the licensee thereof to render any substantial public service heretofore rendered or proposed to be rendered.

6. **There are eight broadcast stations now located in Seattle whereas there are but two such stations situated in Tacoma.** It therefore appears that the granting of the application for the modification of license for Station KVI so as to permit the operation of that station upon the 570 kilocycle frequency with power of 500 watts and unlimited hours, and the granting of the application for renewal of license for KXA so as to permit the operation of KXA on the 760 kilocycle frequency with power of 500 watts day and 250 watts night, and limited time, **would result in a more equitable distribution of broadcast facilities within the State of Washington.** The granting of these applications so as to permit such operation would also result in a more equitable distribution of facilities among the several states and zones as provided for in Section 9 of the Radio Act of 1927, as amended, in that there would be a decrease in the broadcast facilities of the State of Washington and the Fifth Zone, which are now assigned more than their respective shares of such facilities.

7. With respect to the application of Mosby's, Incorporated, for a construction permit, it does not appear that said applicant possesses sufficient financial resources to insure either the construction or the efficient operation of the proposed station at Missoula. While it is undoubtedly true that Missoula receives very little broadcast service other than that afforded

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by applicant's station, KGVO, it is not shown in this record that there is sufficient talent available in Missoula to insure the broadcast of acceptable programs by Station KGVO in the event unlimited time operation of that station be authorized. Moreover, it appears that the operation of Station KGVO on the 570 kilocycle frequency during evening hours would probably result in interference with the service of another station now operating on this channel.

8. Public interest, convenience and/or necessity would be served by the operation of Station KVI on the 570 frequency with power of 500 watts and unlimited hours of operation.

9. Public interest, convenience and/or necessity would be served by the operation of Station KXA on the 760 kilocycle frequency with power of 500 watts day and 250 watts night upon a limited time basis as defined by paragraph 77 of the Rules and Regulations of the Commission.

10. Public interest, convenience and/or necessity would not be served by the granting of the application of Mosby's, Incorporated, for a construction permit.

ORDER

On consideration of the evidence in this case, the Examiner's report and the exceptions filed thereto, it is accordingly ordered:

1. That the exceptions to the report of the Examiner, filed by all three applicants, be, and the same are hereby, overruled:

2. That the application of Mosby's, Incorporated, (Station KGVO), for a construction permit be, and the same is hereby, denied;

3. That the applications of Puget Sound Broadcasting Company (Station KVI) for renewal of license and modification of license be, and the same are hereby, granted so as to permit the operation of Station KVI upon the 570 frequency with 500 watts power and unlimited hours of operation;

4. That the application of Puget Sound Broadcasting Company for modification of license be, and the same is hereby, denied insofar as daytime power output of 1 kilowatt is requested;

5. That the application of American Radio Telephone Company (Station KXA) for renewal of license be, and the same is hereby, granted so as to permit the operation of Station KXA upon the 760 kc frequency with 500 watts day, and 250 watts night power and limited time;

6. That the existing temporary broadcast licenses for Stations KVI and KXA, heretofore issued to the licensees thereof, be, and the same are hereby, terminated, in accordance with the conclusions herein reached and the terms and conditions of said licenses; and

7. That the order shall be effective ten (10) days from the date hereof.

BROWN, Commissioner, not participating.

Filed April 1, 1932.

I hereby certify that the foregoing is a full, true and correct copy of the Statement of Facts, Grounds for Decision, and Order of the Federal Radio Commission, in Docket Nos 1380, 1381, 1402 & 1424. James W. Baldwin, Secretary.

The Change To Daytime Operation

It would be interesting to see if an actual transcript of the entire hearing was still available. As far as we know, none of the major participants are still living. It seems from this Order of the Federal Radio Commission that KXA was out financed and organized. Vincent Kraft, original builder of KJR bought the stock of American Radio Telephone Company from Roy Olmstead when the latter went to prison on bootlegging charges. Vincent was evidently more of an engineer than a businessman, having been a radio instructor for the Seattle YMCA Wireless School about the time he build 7XC, to become KJR. KVI simply had too much money and organization going against him at the hearing.

The decision to take KXA's full-time frequency away and give it to KVI was really rationalized on the fact that Seattle had more stations than Tacoma. Isn't it interesting that the Federal Communications Commission later, after the war, allowed KVI to change its city of license and move to Seattle. So, Seattle finally got the 570 frequency back.

Earl Thom was an announcer at KXA on April 11, 1932 when they lost full time and their low frequency. He told the 1989 NPB Convention that he does not remember much about the affair other than the stations exchanged crystals for the transmitters. Earl also said that KXA had to begin sharing Leo Lassen's Seattle baseball broadcasts with KPCB (later KIRO) because of the loss of the evening broadcast hours.

The other major point of the decision was the assumption that KVI would cover South and West of Tacoma if they had the 570 frequency at night. The inference was that KXA did not cover that area but KVI would with the same power and frequency. I wonder why Vincent Kraft did not point out that KVI's transmitter was near Kent, North of Tacoma, not South; and in very poor ground conductivity according to early KVI engineer Jim Wallace, Sr. In actuality, KXA probably covered Thurston and Grays Harbor Counties from their flat top antenna on the Biglow Building as KVI would from their Kent location that was much further from the water path to Aberdeen.

Of course, it was only a few years before KVI moved to its present site on Vashon Island and then it probably did have better coverage than KXA on 760.

What a blow it must have been to Vincent Kraft to have his investment shattered by having KVI take his 570 full time frequency away and being given their daytime license. Maybe he did not fight too hard thinking that 760 was at least a clear channel and some day KXA could go 50,000 watts where 570 was eventually limited as a Class Three frequency to 5,000 watts. If that was his thinking, he was right. Only his timing was off.

Today, almost 60 years later KXA (KRPM) does have a Construction Permit for 50,000 watts on 770 and KVI is still 5,000 watts on 570. Maybe Vincent Kraft had the last laugh afterall.

One thing is certain. After giving KVI full time and the 570 frequency in order to better serve Tacoma, the FCC should never have allowed the station to move to Seattle in 1946. At

KVI vs KXA - The Frequency Hearing

the very least, the FCC should have given KXA back their 570 frequency if KVI was to move to Seattle.

After recently allowing Bremerton to steal one of Tacoma's stations, it seems the regard the FRC had for Tacoma did not carry over to the FCC. Maybe we'll send this Chapter to the FCC and see if they are willing to correct their mistake.



Vincent Kraft 7 Years Before He
Owned KXA