

Frederick W. Brinkerhoff correspondence

Section 49, Pages 1441 - 1470

This is correspondence to and from newspaper editor and publisher Frederick W. Brinkerhoff. The bulk of letters date from the 1940s and 1950s. His first newspaper job was with the Ottawa Herald, after which he worked for the Fort Scott Republican, Chanute Sun, Chanute Tribune, Kansas City Star, Pittsburg Headlight, and the Pittsburg Sun. Brinkerhoff was also vice-president and a director of Stauffer Publications as well as director of Capper Publications Inc., the Topeka State Journal Company, and Newton Publishing Company. In addition, he was vice-president of the KSEK Broadcasting Company in Pittsburg. Brinkerhoff was well known as a journalist, serving as president of the Kansas Press Association in 1935 and as chairman of the Kansas Associated Press in 1946-1947. He also served as a member of the Pulitzer Prize jury for editorial writing in 1950 and 1951. In 1956, he received the William Allen White award to a Kansas editor for journalistic merit. Active in community affairs, Brinkerhoff was a member of the board of the Pittsburg Public Library, served as chairman of the Pittsburg Industrial Commission, and was on the board of directors and served a term as president of the Pittsburg Chamber of Commerce. He was also active in Republican party politics. Brinkerhoff was interested in the history of the state and served as president of the Kansas State Historical Society in 1944. The correspondence is arranged chronologically and grouped alphabetically by individuals with whom Brinkerhoff was in frequent contact, including Roy F. Bailey, Arthur Capper, Rolla Clymer, Harry W. Colmery, Harry Darby, Jess C. Denious, Myron George, Merl Huffman, Clyde M. Reed, Richard W. Robbins, Andrew Schoepel, and Oscar Stauffer, among many others.

Date: 1909-1966

Callnumber: Frederick W. Brinkerhoff Coll. #97, Box 1 Folder 1 - Box 8 Folder 5

KSHS Identifier: DaRT ID: 228487

Item Identifier: 228487

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Frederick W. Brinkerhoff correspondence

July 23, 1935

Graybar Electric Company,
1644 Baltimore Avenue,
Kansas City, Missouri.

Attention: Mr. J. A. Costelow

Dear Sirs:

We want to thank you for your letter of July 22 asking if you could be of any assistance to us at this time in connection with our radio application.

We withdrew our amendment because another applicant filed on 1500 k.c. and our attorney thought it best to leave ours where it was. Our original idea in filing the amendment was with the idea of helping our newspaper friends at Muskogee but since someone else filed on the same frequency, we do not think that changing ours would help them.

At the present time, our hearing in Washington, is set for October 9 and I do not believe there will be any necessity for any action much before that time.

Yours truly,

The Pittsburg Publishing Co.,

G. A. Winters,
Manager.

GAW:WS

Frederick W. Brinkerhoff correspondence

July 3, 1935

Mr. Joel H. Bixby,
Muskogee Daily Phoenix,
Muskogee, Oklahoma.

Dear Mr. Bixby:

I want to thank you for your letter of June 25 which I have delayed answering because I was out of the city.

It seems this radio business is quite complicated and I am enclosing a letter which I received from our attorney from which you will note that he has not filed the amendment and also has reason for not so doing. Please return this letter after it has served its purpose for our files.

Our hearing was scheduled for July 29 and since an amendment has been filed by the Pittsburg Broadcasting Company, it seems very probable that this hearing will be cancelled and another one will be scheduled for October 29.

I am sure Mr. Stauffer is desirous of doing everything possible to cooperate with you in this matter and I feel sure that any conflict which might arise between Muskogee and Pittsburg could very easily be adjusted if only you and ourselves were involved. Now that the Pittsburg Broadcasting Company is filing under a frequency of 1500 k.c. it would seem that your situation would not be helped any by us filing under another frequency. Probably the whole situation can be cleared up between now and the actual time set for the hearing of our application. If at any time you have any suggestions, please let us know.

Yours truly,

The Pittsburg Publishing Co.,

G. A. Winters,
Manager.

GAN:NE
Enc.

Frederick W. Brinkerhoff correspondence

Muskogee Daily Phoenix
EVERY MORNING INCLUDING SUNDAY

MUSKOGEE TIMES-DEMOCRAT
EVERY AFTERNOON EXCEPT SUNDAY

OKLAHOMA PRESS PUBLISHING COMPANY

MUSKOGEE, OKLAHOMA

June 25, 1935.

RADIO

Mr. G. A. Winters, Manager,
Headlight and Sun,
Pittsburg, Kansas.

Dear Mr. Winters:

Upon my return to the office this morning, I find your letter of June 14th stating that you were on that day advising your Washington attorney to amend your application for construction permit to a frequency of 1310 kilocycles instead of 1500.

I believe that this other frequency of 1310 is just as good in your case but is not open for us. At any rate, I certainly hope it works out that way.

We really appreciate more than I can tell you your position in this matter, and if there is anything we can do to be of assistance, we will be more than glad to do it.

I am today writing our attorney, who seems to stand very well with the Commission, requesting that he put in a good word for you. He is quite familiar with Mr. Cox' tactics, and I am sure he would like to do anything he can to block him in anything he is trying to do. Mr. Cox does seem to have some kind of very close relationship with Senator Clark of Missouri, which apparently helps him at times.

Mr. Cox did have the free distribution weekly, or shopping guide, in Springfield, but my latest information is that he found it quite unprofitable and turned it back to the people from whom he bought it.

Again thanking you most sincerely for your action in amending your application, I am,

Very truly yours,

Joel H. Bixby
JOEL H. BIXBY.

JHB:AS

USE COTTON CLOTH LETTERHEADS TO INCREASE COTTON CONSUMPTION

Frederick W. Brinkerhoff correspondence

LAW OFFICES OF
KIRKLAND, FLEMING, GREEN & MARTIN
NATIONAL PRESS BUILDING
WASHINGTON, D. C.
CABLE ADDRESS "CALD"

LOUIS G. CALDWELL
RESIDENT PARTNER
ARTHUR W. SCHARFELD
HOWARD W. VESEY
REED T. ROLLO
DONALD C. BEELAR

MAIN OFFICE
33 NORTH LA SALLE STREET
CHICAGO, ILLINOIS

June 19, 1935

Mr. G. A. Winters
Pittsburg Publishing Company
Pittsburg, Kansas

Dear Mr. Winters:

I have your letter of June 18 concerning the question of cooperation with the Joplin Broadcasting Company on its application for a new station at Pittsburg. I am inclined to agree with you that the proposal as made is an indication of weakness on their part. I do not think that they would have considered it if they thought their application could stand on its own feet. The question of the application of the Pittsburg Broadcasting Company is another matter if they have local people behind it. There is no doubt that Mr. Cox is interested in the application since he was one of the original signers of the application and I doubt whether he has since withdrawn. I do not think it would be a difficult matter to prove that he is still interested substantially in the application. Such influence as Mr. Cox has is derived from his Democratic connections. Just how strong they are I cannot say definitely but there have been a few indications that he has been favored in some instances. On the other hand, I do not know whether he is in a position to use any particular influence in the pending matter. Even if his application were in a preferred position at the present time, I do not believe that you would be gaining anything by joining up with the Joplin people. On the other hand, you may be in a position to off-set such advantages as Mr. Cox claims. He has made similar claims with respect to other matters in Missouri, in which he has not been so successful.

I just learned that the Pittsburg Broadcasting Company has today filed an amendment to its application, requesting that the frequency be changed from 1310 kc. to 1500 kc., which is the same frequency that you had originally specified. This makes me doubt the advisability of changing to 1310 kc. according to the amendment which I had sent to you. Although I have filed that amendment, I have asked that it be held up and I am inclined to believe that I will withdraw it and leave the application stand for 1500 kc. even if a conflict results with the Muskogee application. You could very probably work out some sort of an arrangement to share nighttime hours with the Muskogee people, and I am advised by their attorney that this would probably be acceptable to them.

Frederick W. Brinkerhoff correspondence

Mr. G. A. Winters, page #2

June 19, 1935

Another reason for leaving the application for 1500 kc. is that it might get to hearing before the application of the Pittsburg Broadcasting Company since their amendment will throw over the hearing date. The present hearing date is subject to change only if amendments are made to the applications. However, I shall get in touch with Mr. Pratt, attorney for the Joplin people and see if he would object to a continuance. If he will consent, I think the matter can be thrown over until October or November. However, it looks as though a hearing will actually be held, with the probable result of someone getting a permit granted, and although you are not particularly desirous at this time of operating a station, it is a question of getting in at the same time, or not at all.

I shall probably be able to advise you definitely within the next week if there is any change in the hearing date.

I have just had the opportunity to look over the outline of evidence which you have submitted and believe that it contains most of the information that we want. However, in addition, I wish you would prepare a list of potential advertisers of the station, as well as a list of available talent and program material.

Sincerely,

Arthur W. Scharfeld
ARTHUR W. SCHARFELD

AWS:X

Frederick W. Brinkerhoff correspondence

June 14, 1935

Mr. Joel Bixby,
Muskogee Phoenix & Times-Democrat,
Muskogee, Oklahoma.

Dear Mr. Bixby:

I feel sure that you will be pleased to know that I am today sending our attorney in Washington a proposed amendment changing our frequency from 1500 kilocycles to 1310. If this amendment is accepted, our application should no longer stand in your way and I understand from Mr. Oscar Stauffer that this will be most agreeable to you. In fact, I think you know that we are making this proposed change for your benefit.

I suppose you know that at the present time, there are three applications pending for a radio station here at Pittsburg. We have filed one of these applications, the Joplin Broadcasting one and the Pittsburg Broadcasting Company the third. The application of the Pittsburg Broadcasting Company is being sponsored by local people, but it is our understanding that the application in reality is for a Mr. Cox who now has a radio station in Springfield and I believe he also publishes a Shopper's Guide or a weekly paper of some kind at that place. In talking to one of the men with the Joplin Broadcasting Company I gather that they seem to think that Mr. Cox has a very good chance of having his application approved. Whether or not this is true I do not know and I am just wondering if you could throw any light on the subject. Any information you or your brother can give me regarding Mr. Cox will be greatly appreciated.

If through some of your connections at Washington you could put in a good word for us I am sure it would be greatly appreciated by Mr. Stauffer and myself and might do a lot of good. I hope you are successful in having your application approved.

Yours very truly,

The Pittsburg Publishing Co.,

G. A. Winters,
Manager.

GAW:WS



Frederick W. Brinkerhoff correspondence

LOUIS G. CALDWELL
RESIDENT PARTNER
ARTHUR W. SCHARFELD
HOWARD W. VESEY
REED T. ROLLO
DONALD C. BEELAR

LAW OFFICES OF
KIRKLAND, FLEMING, GREEN & MARTIN
NATIONAL PRESS BUILDING
WASHINGTON, D. C.

MAIN OFFICE
33 NORTH LA SALLE STREET
CHICAGO, ILLINOIS

CABLE ADDRESS "CALD"

May 31, 1935

Mr. G. A. Winters
Pittsburg Publishing Company
Pittsburg, Kansas

Dear Mr. Winters:

I have just received word that the Commission has set July 29 as the date for the hearing on your application. This is somewhat earlier than I had expected.

In view of the hearing which was held last Monday on the application of Oklahoma Press Publishing Company for a new station on 1500 kc. at Muskogee, Oklahoma, I am having further inquiries made at the Commission to determine if another frequency would be available at Pittsburg to be used in place of the 1500 kc. frequency. If another frequency can be found, then I propose to amend the application for that frequency, and the hearing now scheduled for July 29 will be thrown over to a later date.

I appeared at the hearing on the Muskogee application in order to protect your interests so far as the 1500 kc. frequency is concerned. Mr. Stauffer, however, advised me that if there was any way to avoid conflict with the Muskogee application he would like to do so.

I will let you know within the next few days if the application can be satisfactorily amended and whether or not the present hearing date will be put over to a later date.

Sincerely,

Arthur W. Scharfeld

ARTHUR W. SCHARFELD

Frederick W. Brinkerhoff correspondence

September 1, 1936

Mr. M. B. Campbell,
W.F.A.A.,
Dallas, Texas.

Dear Mr. Campbell:

In regard to the Pittsburg situation will say that we are doing everything in our power to defeat the application of the Pittsburg Broadcasting Company. This, as you know, is the application which you and Ft. Worth are interested in seeing denied.

Our application was denied on July 2 and we have filed a petition asking that this decision be reconsidered. Just how much effect this will have remains to be seen.

We feel that a good deal of political influence has been brought to bear by those interested in the application of the Pittsburg Broadcasting Company and it would seem to me that someone in Dallas or Ft. Worth would be able to do something to counteract this influence. I am just giving you this information for what it may be worth and if you can get any of your people to do anything along this line, it would certainly be appreciated by us. If you know of anything specifically that we can do, do not hesitate to call on us. We are ready and willing to work with you on this matter to the fullest extent.

Yours truly,

The Pittsburg Publishing Co.,

G. A. Winters,
Manager.

GAW:WS

Frederick W. Brinkerhoff correspondence

Before the 18573
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C.

In re application of)
A. STANEART GRAHAM, E. V. BAXTER)
and NORMAN BAXTER d/b as)
PITTSBURG BROADCASTING COMPANY)
PITTSBURG, KANSAS)
For Construction Permit)

DOCKET NO. 3038

Submitted September 17, 1936 Decided October 7, 1936.

Headnotes

Application for a construction permit to erect a new 1 kilowatt daytime broadcast station granted when, inter alia:

- (1) Applicant was found to be legally, technically, financially and otherwise qualified;
- (2) A public need was found for the proposed service in the area sought to be served;
- (3) A grant of the application would not be expected to result in objectionable interference to any existing station.

Appearances

George O. Sutton and James L. Proffitt on behalf of the applicant;

Philip G. Loucks and Arthur W. Scharfeld on behalf of Pittsburg Publishing Company;

Elmer W. Pratt on behalf of Joplin Broadcasting Company;

Philip G. Loucks and Arthur W. Scharfeld on behalf of Station WFAA;

Ben S. Fisher on behalf of Station WBAP;

Philip J. Hennessey, Jr. on behalf of Stations WGY and KGO;

Tyler Berry on behalf of the Commission.

Frederick W. Brinkerhoff correspondence

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STATEMENT OF FACTS AND GROUNDS FOR DECISION

By the Commission:

Broadcast Division, Commissioners Sykes, Chairman, Case and Prall.

This proceeding arose upon the application of A. Staneart Graham, E. V. Baxter, and Norman Baxter, a partnership doing business as Pittsburg Broadcasting Company, for a construction permit to erect a new broadcast station at Pittsburg, Kansas, to operate on the frequency of 790 kilocycles with power of 1 kilowatt, daytime only.

The Commission was unable to determine from an examination of the application that granting thereof would serve public interest, convenience and necessity and designated same for public hearing before an examiner appointed by the Commission pursuant to Section 309(a) of the Communications Act of 1934. Notice of time and place of hearing was given the applicant and other interested parties. Pursuant to said notice, hearing was regularly held on March 9 and March 10, 1936, before an examiner who, on April 21, 1936, submitted his report (I-220) recommending that the application be granted provided other applications for broadcasting stations at Pittsburg, Kansas, then pending were denied. Exceptions to the examiner's report were filed by General Electric Company; Pittsburg Publishing Company; Station WFAA, and Station WBAP, all of whom also requested oral argument except General Electric Company. Oral argument was made before the Broadcast Division on September 17, 1936. On September 22, 1936, the Commission granted the application.

The applicant, Pittsburg Broadcasting Company, is a partnership composed of A. Staneart Graham, E. V. Baxter, and Norman Baxter. All of the partners are citizens of the United States. Mr. Graham is a lawyer engaged in the practice of law in Pittsburg, Kansas. E. V. Baxter and Norman Baxter are father and son and engaged in the lumber business, also in Pittsburg. Under the terms of the partnership agreement, a copy of which appears in the record, the partnership funds will consist of \$25,000 of which \$12,500 will be contributed each by E. V. Baxter and Norman Baxter. Mr. Graham will only contribute his services as an attorney to the partnership, and will receive 10% of the profits of the partnership.

It appears that the net worth of E. V. Baxter is about \$29,000 of which \$10,326 is cash, \$4,519 stocks and bonds, and \$5,025 real estate. The net worth of Norman Baxter is set forth as \$218,340, of which \$3,836 is cash, \$150,800 real estate, and the balance in personal property, notes receivable, accounts receivable, stocks, and mortgages. The estimated cost of constructing the station is \$21,500. Estimated operating costs are \$3,290 per month and the expected revenue is \$4,000 per month from local advertisers and \$1,000 per month from national advertisers. Proposed advertising rates are \$40 per hour, \$25 per half hour, \$15 per quarter hour and \$2.50 for each spot announcement consisting of 120 words or of one minute duration. A number of prospective advertisers have been interviewed by the applicant relative to expected commercial support for the proposed station, which appears to be ample.



Frederick W. Brinkerhoff correspondence

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None of the partners have had any practical experience in the operation of a broadcasting station. However they have arranged with Mr. Lester E. Cox whereby Mr. Cox will engage the necessary trained personnel and supervise the management of the proposed station for one year and under the agreement Mr. Cox will receive \$5,000 for his services at the end of a year contingent upon the station being on a paying basis at that time. Mr. Cox resides at Springfield, Missouri, and has had considerable experience in the management of broadcast stations. He is President of the Springfield Broadcasting Company, Vice-President of the Ozark Broadcasting Company and President of the Mississippi Valley Broadcasting Company.

Pittsburg, Kansas, does not now receive any primary broadcast service. The area around Pittsburg receives some service from Station KVOO which is located at Tulsa, Oklahoma, 110 miles from Pittsburg, operating with power of 25 kilowatts during daytime and sharing time at night, however the service from Station KVOO does not constitute satisfactory service within any urban area in Pittsburg or vicinity. Some additional service is also available in parts of the area sought to be served.

Interference is expected to result to the signals of Stations WFAA and WBAP (which share time on the frequency of 800 kilocycles at Dallas, Texas) to their .3 millivolt per meter contour which is not considered as objectionable interference because under the standards of protection promulgated by the Commission stations of this class are protected from adjacent channel interference to their .5 millivolt per meter contour. Therefore, a grant of this application would not be expected to result in objectionable interference to the fair and efficient service of any existing station.

The population of Pittsburg is 18,145 (1930 census). The population within the 10 millivolt per meter contour of the proposed station is 31,850; 240,780 within the 2 millivolt per meter contour; and 602,630 within the .5 millivolt per meter contour. Coal mining and agriculture are the principal industries within the trading area of Pittsburg which extends to a radius of thirty to fifty miles. A State Teachers' College is located there which has an enrollment of 4,500 to 5,000 students. There are about 192 wholesale business establishments in the city.

It appears from the record that adequate live talent is available locally to supply the needs of the proposed stations. Live talent programs will constitute about fifty percent of the broadcasts and the remainder of the time will be devoted to high-class transcriptions prepared for broadcasting purposes and to recordings. The proposed programs provide for five hours for musical entertainment; one hour for news; one hour for civic and educational programs; one-half hour for religious programs; one-half hour for fraternal programs; one hour for agricultural programs; one-half hour for sports; and one-half hour for the broadcast of market data.

The transmitter which the applicant proposes to use meets with the technical requirements of the Commission and the antenna site is to be determined subject to Commission approval.

The Commission is of the opinion, and so finds, upon the record before us, that the applicant is legally, technically, financially and otherwise qualified as an applicant for the facilities herein requested; there is an existing need in the area sought to be served for the service which the applicant proposes to render; no objectionable interference is expected to result

Frederick W. Brinkerhoff correspondence

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to the fair and efficient service of any existing station from a grant of this application; proposed programs are meritorious and suitable live talent is available; expected commercial support is sufficient; and the proposed equipment complies with technical requirements of the Commission.

After careful consideration of the application, the record and evidence adduced at the hearing, the examiner's report and exceptions thereto and the oral argument, the Commission is of the opinion and so finds that public interest, convenience and necessity would be served by granting the application of Pittsburg Broadcasting Company. Accordingly, the Commission entered its final order granting the application, effective at 3:00 A. M., Eastern Standard Time, October 6, 1936.

I hereby certify that the foregoing is a full, true and correct copy of the Statement of Facts and Grounds for Decision of the Federal Communications Commission in Docket No. 3038

JOHN B. REYNOLDS,
Acting Secretary.

By M. B. Anthony

Frederick W. Brinkerhoff correspondence

LAW OFFICES OF
LOUCKS & SCHARFELD
NATIONAL PRESS BUILDING
WASHINGTON, D. C.
METROPOLITAN 1070

PHILIP G. LOUCKS
ARTHUR W. SCHARFELD

July 23, 1936

Mr. G. A. Winters
Pittsburgh Publishing Co.
Pittsburg, Kansas

Dear Mr. Winters:

We are sending you herewith a copy of the notice of informal hearing to be held before the Broadcast Division of the Federal Communications Commission, beginning October 5, 1936.

Careful study of the questions listed for discussion will readily disclose that it is the intention of the Commission to investigate all engineering aspects of broadcasting for the purpose of determining what, if any changes should be made in the allocation principles which have been followed since 1928.

It is of more than passing significance that the notice relates the repeal of the so-called Davis Amendment to the proposed hearing. The repeal of this provision of the law has rendered the zoning and quota system obsolete and adds great flexibility to the Commission's power to classify stations and to pass upon specific assignments although it is pointed out that individual applications will not be considered during the October conference.

The general hearings which were conducted last month were concerned with the allocation of frequencies to the various classes of services. The October hearing is related to the June hearings only insofar as it is concerned with allocations to classes of stations within the bands provided for Broadcasting services.

While the Commission has not made known its procedure, it is expected that it will announce a proposed revision of its allocation regulations immediately after the October hearings and these proposed regulations will then become the subject of more specific hearings at a later date.

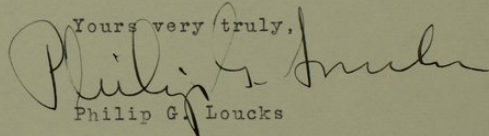
Frederick W. Brinkerhoff correspondence

The Commission has protested from time to time that any changes in the broadcast band will be evolutionary rather than revolutionary in nature. But whether evolutionary or revolutionary in nature, any changes in the general classifications of stations must necessarily affect directly or indirectly each and every station in the country either in a technical or economic manner.

It is safe to predict that changes in existing regulations will follow the October hearings and the more specific hearings which are to follow. How sweeping these changes will be, or how such changes will affect specific assignments, it is now impossible to forecast. However, we regard this and the subsequent related hearings as of the utmost importance and we are preparing to attend each and every session for the purpose of keeping you advised of all developments in detail.

From time to time as additional information becomes available we will endeavor to keep you posted with a view to advising you what steps, if any, should be taken to protect your individual interests. At the same time, we will welcome any suggestions which may occur to you after you have had an opportunity to study the enclosed notice.

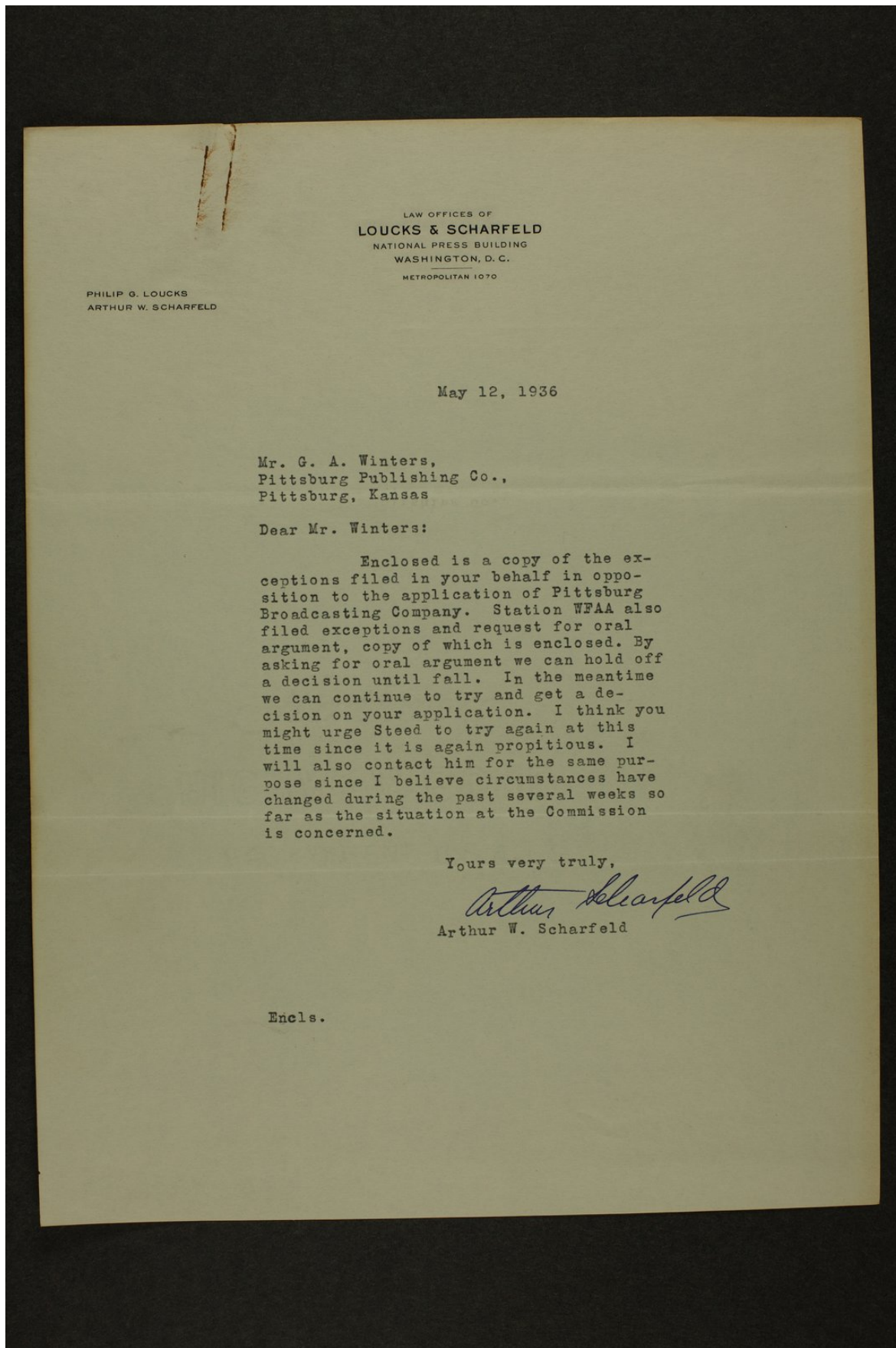
Yours very truly,



Philip G. Loucks

PGL:MS

Frederick W. Brinkerhoff correspondence



LAW OFFICES OF
LOUCKS & SCHARFELD
NATIONAL PRESS BUILDING
WASHINGTON, D. C.
METROPOLITAN 1070

PHILIP G. LOUCKS
ARTHUR W. SCHARFELD

May 12, 1936

Mr. G. A. Winters,
Pittsburg Publishing Co.,
Pittsburg, Kansas

Dear Mr. Winters:

Enclosed is a copy of the exceptions filed in your behalf in opposition to the application of Pittsburg Broadcasting Company. Station WFAA also filed exceptions and request for oral argument, copy of which is enclosed. By asking for oral argument we can hold off a decision until fall. In the meantime we can continue to try and get a decision on your application. I think you might urge Steed to try again at this time since it is again propitious. I will also contact him for the same purpose since I believe circumstances have changed during the past several weeks so far as the situation at the Commission is concerned.

Yours very truly,

Arthur W. Scharfeld
Arthur W. Scharfeld

Encls.

Frederick W. Brinkerhoff correspondence

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

In the Matter of

PITTSBURG PUBLISHING COMPANY

PITTSBURG, KANSAS

For Construction Permit

DOCKET NO. 2931

JOPLIN BROADCASTING COMPANY

PITTSBURG, KANSAS

For Construction Permit

DOCKET NO. 2801

WICHITA BROADCASTING COMPANY

WICHITA, KANSAS

For Construction Permit

DOCKET NO 3173

PETITION TO POSTPONE EFFECTIVE DATE

Now comes Philip G. Loucks, one of counsel for the Pittsburg Publishing Company, one of the applicants in the above entitled proceeding, and respectfully petitions the Commission for a postponement from July 2, 1936 to August 4, 1936 of the effective date of the decision of the Commission in the above-entitled proceeding and in support thereof shows the following:

1. Counsel for the petitioner best acquainted with the facts and details of this proceeding has been absent from Washington, D. C., since the date of the public announcement of the Commission's decision and will continue to be absent from Washington, D. C., until about August 3, 1936.

2. Your petitioner is informed and does believe, and believing avers, that the said Pittsburg Publishing Company desires to file with the Commission a petition requesting reconsideration of its decision and to take such other procedural steps as are provided by the Communications Act of 1934 and the rules and regulations of the Commission promulgated thereunder.

Frederick W. Brinkerhoff correspondence

3. The postponement of the effective date of the decision above requested is necessary in order that the rights and interests of the Pittsburg Publishing Company may be protected and to secure a fair and just administration of the above entitled proceeding.

4. The postponement requested will not impose any unnecessary hardship or expense to any of the parties to the proceeding nor will the rights or interests of any of said parties be prejudiced by reason of such postponement.

Wherefore, it is respectfully requested that the effective date of the decision of the Commission be postponed from July 2, 1936 to August 4, 1936.

LOUCKS & SCHARFELD,
Attorneys for Pittsburg Publishing
Company,

By _____
Philip G. Loucks

Verification and Affidavit of Service:

DISTRICT OF COLUMBIA)
) ss:
CITY OF WASHINGTON)

Philip G. Loucks, being first duly sworn deposes and says that he is attorney for the Pittsburg Publishing Company; that the facts stated in the foregoing "Petition to Postpone Effective Date" are true of his own knowledge except such facts as are therein stated to be on information and belief and these he believes to be true; deponent further states that on the 13th day of July, 1936 he served by regular United States mail a true copy of the above entitled "Petition to Postpone Effective Date" to all of the parties who appeared at the hearing on the above entitled application.

Subscribed and sworn to before me this _____ day of
July, 1936.

(SEAL)

My commission expires _____.

Frederick W. Brinkerhoff correspondence

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	NIGHT LETTER
NIGHT LETTER	SNIP RADIOGRAM

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

COPY OF WESTERN UNION TELEGRAM

June 29, 1936

COPY

Hon. Anning S. Prall,
Chairman,
Federal Communications Commission
Washington, D. C.

Permit me to re-iterate my previous request in behalf of application for 100-watt license filed by Pittsburg Publishing Company for Pittsburg Kansas stop It will be a great and special favor to me for this license to be issued at once stop I cannot make my interest too strong and your favor will be appreciated stop I am convinced this is justifiable request and for best interest of radio and your commission Advise me of prospects for early and favorable action.

P.L. Gassaway, M.C.
Shawnee, Oklahoma

Frederick W. Brinkerhoff correspondence

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE 1201-S

<p>CLASS OF SERVICE</p> <p>This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.</p>	<p>WESTERN UNION (01)</p> <p>R. B. WHITE PRESIDENT</p> <p>NEWCOMB CARLTON CHAIRMAN OF THE BOARD</p> <p>J. C. WILLEVER FIRST VICE-PRESIDENT</p>	<p>SIGNS</p> <p>DL = Day Letter</p> <p>NM = Night Message</p> <p>NL = Night Letter</p> <p>LC = Deferred Cable</p> <p>NLT = Cable Night Letter</p> <p>Ship Radiogram</p>
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The filing time shown in the date line on telegrams and day letters is Standard Time at point of origin. Time of receipt is Standard Time at point of destination.

Received at 105 East Fourth St., Pittsburg, Kansas. Phone 3014

KAN9 52 DL COLLECT=WASHINGTON DC 29 1120A 1936 JUN 29 AM 11 08

G A WINTERS=

130-9 PITTSBURG PUBLISHING COMPANY

SUGGEST YOU HAVE GASSAWAY SEND TELEGRAMS TODAY TO BOTH COMMISSIONERS SYKES AND PRALL URGING IMMEDIATE CONSIDERATION AND FAVORABLE ACTION ON YOUR APPLICATION SINCE LAST MEETING BEFORE RECESS PROBABLY TOMORROW STOP TELEGRAMS FROM TEACHERS COLLEGE TO COMMISSIONER CASE MIGHT ALSO BE EFFECTIVE AS WELL AS ANY OTHER URGENT MESSAGES FROM PROPER PARTIES=

ARTHUR W SCHARFELD.

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE

Frederick W. Brinkerhoff correspondence

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

IN RE APPLICATION OF
A. Staneart Graham, E. V. Baxter,
and Norman Baxter, d/b as
Pittsburg Broadcasting Co.)

DATED March 12, 1935)

FOR Construction Permit)

LOCATION Pittsburg, Kansas) File No. B4-F-459

OPERATING ASSIGNMENT SPECIFIED) Docket No. 3038

Frequency 790 kc)

Power 1 kilowatt)

Hours of operation Daytime)

OPPOSITION TO
"MOTION TO ADVANCE DATE
OF ORAL ARGUMENT"

Pittsburg Publishing Company, by its attorneys, hereby
opposes the request to advance the date of oral argument on the
application of A. Staneart Graham, E. V. Baxter, and Norman
Baxter, d/b as Pittsburg Broadcasting Company, of Pittsburg,
Kansas and shows as reasons therefor, that

1. There is no necessity nor urgency shown for granting
the request as made.
2. No facts are given which would indicate any basis
for advancing the date now specified.
3. It would work a hardship and inconvenience on counsel
for respondents to rearrange a schedule which has been made in
contemplation of the date already set.
4. Respondent would be adversely affected if this matter
were to be advanced for oral argument since its application for
a new station at Pittsburg, Kansas (Docket No. 2931) is now

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pending for decision and has been so pending since March 5, 1936 when oral argument was held thereon. The said application of respondent can be and should be acted on without regard to the pendency of petitioner's application and the Commission has already denied petitioner's request to consider the applications together since it denied a "Motion to Consider the Applications of Joplin Broadcasting Company and Pittsburg Publishing Company in conjunction with the application of A. Stansart Graham, E. V. Baxter and Norman Baxter d/b as Pittsburg Broadcasting Company."

5. It would be extremely prejudicial and inequitable for the Commission to give any consideration to the application of Pittsburg Broadcasting Company prior to reaching its decision on the application of Pittsburg Publishing Company, and the denial of the motion for such simultaneous consideration, aforementioned, is definite recognition of the fact that the two applications are to be determined separately on their merits.

6. The purpose of petitioner's present request appears to obtain a decision on its application before July 1, 1936 and this on its face is impossible of fulfillment if the Commission merely follows its customary procedure.

7. None of the parties involved will be adversely affected by having the application of Pittsburg Broadcasting Company considered and decided in the normal course of Commission routine.

8. To advance the date of oral argument as requested by petitioner would be contrary to the established policy of the Commission to decide applications as, and when, submitted.



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Petitioner is merely requesting special dispensation which should be denied.

LOUCKS & SCHARFELD
Attorneys for
Pittsburg Publishing Company

By _____
Arthur W. Scharfeld.

Verification:

CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

Arthur W. Scharfeld being first duly sworn deposes and says that he is attorney for Pittsburg Publishing Company; that the facts stated in the foregoing "Opposition to 'Motion to Advance Date of Oral Argument' " are true of his own knowledge except such facts as are therein stated to be on information and belief and as to these he believes them to be true.

Subscribed and sworn to before me this 8th day of June, 1936.

Notary Public.

(SEAL)

My commission expires _____.

PROOF OF SERVICE

Service of true copies of the foregoing "Opposition to Motion to Advance Date of Oral Argument" is herewith acknowledged this 8th day of June, 1936.

Les Sutton
Attorney for A. Stancart Graham,
E. V. Baxter & Norman Baxter, d/b
as Pittsburg Broadcasting Company.

Frederick W. Brinkerhoff correspondence

LAW OFFICES OF
LOUCKS AND SCHARFELD
NATIONAL PRESS BUILDING
WASHINGTON, D. C.
METROPOLITAN 1070

PHILIP O. LOUCKS
ARTHUR W. SCHARFELD

March 27, 1936.

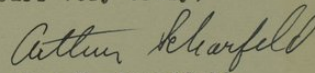
Mr. G. A. Winters,
Pittsburg Publishing Company,
Pittsburg, Kansas.

Dear Mr. Winters:

The Commission today denied the motion filed by the Pittsburg Broadcasting Company to consider its application in conjunction with the application of Joplin Broadcasting Company and Pittsburg Publishing Company.

No action was taken on the examiner's report but it can probably be expected at the meeting next Friday.

Yours very truly,


Arthur W. Scharfeld

Frederick W. Brinkerhoff correspondence

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

In the Matter of)
PITTSBURG PUBLISHING COMPANY)
PITTSBURG, KANSAS) DOCKET NO. 2931
For Construction Permit)

PETITION TO RECONSIDER AND

REMAND TO EXAMINER

Now comes Pittsburg Publishing Company, applicant in the above entitled matter and petitions the Commission to remand the application to an examiner for the taking of further testimony. In support of this petition, applicant shows the following reasons:

I.

On July 2, 1936 the Commission entered its order, effective the same day, denying petitioner's application on two grounds as shown by the Commission's Statement of Facts and Grounds for Decision, i. e.

(1) "Granting the application would have interfered with the fair and efficient service of a station already licensed;" and

(2) "Applicant failed to show that it was legally qualified inasmuch as citizenship of officers, directors and stockholders controlling or voting more than five per cent of the applicant's parent company was not shown."

(a) With respect to the first ground mentioned, the records of the Commission disclose that the station at Muskogee, Oklahoma with which interference might be caused during nighttime hours of operation was authorized for construction on December 10, 1935 while applicant's application for a station in Pittsburg, Kansas was pending and after the examiner's report had been submitted thereon recommending that applicant's application be granted.

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Applicant's application was originally filed with the Commission on February 25, 1935 and was designated for hearing on March 26, 1935. Prior to filing the application, an engineering study had been made and it was found that there were no existing stations on 1500 kilocycles with which a proposed station at Pittsburg, Kansas would cause interference. The application for the proposed station at Muskogee, Oklahoma, located 123 miles from Pittsburg, Kansas, was filed January 23, 1935 and the hearing was held on May 27, 1935 after applicant's application was already designated for hearing. Applicant has used due diligence in prosecution of its application and did not desire any conflict with the proposed station at Muskogee, Oklahoma when the Commission saw fit to authorize its establishment. Applicant, through its counsel, in oral argument on its application before the Broadcast Division held March 5, 1936 withdrew its request for nighttime hours of operation and requested that the Division give its consideration to applicant's application for daytime operation only so that the people of the Pittsburg, Kansas area would at least be afforded some primary broadcast service. No licensee or party to the hearing could have been adversely affected by such withdrawal of part of applicant's original proposal but it appears that the suggestion did not enter into the Divisions deliberations when the Statement of Facts and Grounds for Decision was rendered. No question of interference is involved by the use of the 1500 kilocycle frequency for daytime hours of operation and the testimony of the Commission's engineer at the hearing on the application so shows (R. 186, 195). Under these circumstances the application could have been granted under Section 307 (b) of the Communications Act of 1934 and can now be granted pursuant to the amendment of June 5, 1936.

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(b) With respect to the second ground for denial of the application stated in the Commission's decision, applicant originally complied with all requirements of the Commission by stating in its application that it was controlled through 98% of stock by Stauffer Publications, Inc., a Delaware Corporation and that no officer or director was an alien (See Questions 7, 8 and 9 in application). In the answer to question 9 (c) of the application it was stated that not more than one-fourth of the capital stock of the parent corporation may be voted by aliens etc. and the answer to question 9 (d) states that no director or officer of Stauffer Publications is an alien. Mr. Winters who subscribed to the application under oath appeared on the witness stand at the hearing in corroboration of all statements made in the application.

II.

The Commission in its Statement of Facts and Grounds for Decision found, that

1. "Pittsburg does not receive primary radio service from any station at this time,"

and that

2. "There would probably be sufficient support for a well managed station of the 100 watt class"

and that

3. The Kansas State Teachers College with an enrollment of 4500 students is located in Pittsburg, Kansas and could cooperate with the proposed station to the great benefit of the community.

The president of the College testified at the hearing specifically on behalf of the applicant, Pittsburg Publishing Company and stated in the record that he preferred to cooperate only with this applicant because the College had always received the best of cooperation in its various activities from the Publishing Company and the Pub-

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lishing Company was in a preferred position to render a public service to the community (R. 77).

The foregoing considerations are adequate in themselves and are recognized by the Commission as showing a need for broadcasting service and a demand for such service in the Pittsburg area.

III.

The application of Pittsburg Publishing Company was submitted to the Commission in good faith in a sincere desire to establish a broadcasting station to serve the local community. Applicant took every necessary step directed to that end and at the time of filing its application did not foresee a conflict with any other licensee. By withdrawal of the request for night operation that conflict is removed.

Since the application form used by applicant did not directly request "the names and citizenship of the officers and directors of Stauffer Publications" it was assumed that sworn statements to the effect that no officer or director was an alien were sufficient to meet the requirements of the law. The Commission's Statement of Facts and Grounds for Decision was the first notice to applicant that such information should be affirmatively placed before the Commission in any other manner than through the application.

In view of the equities involved in this proceeding and the fact that the examiner who heard the testimony found that the applicant was legally qualified in all respects it is submitted that the application of Pittsburg Publishing Company be remanded to the examiner and that the record be reopened to permit the introduction of further testimony showing that all stockholders, officers and directors of Stauffer Publications, Inc, are American citizens as stated

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in the attached affidavit of G. A. Winters, Vice-President
of Stauffer Publications.

Respectfully submitted,
PITTSBURG PUBLISHING COMPANY

By _____
Arthur W. Scharfeld,

Philip G. Loucks,
Attorneys for Pittsburg Publish-
ing Company.

Verification & Affidavit of Service:

DISTRICT OF COLUMBIA)
) ss:
CITY OF WASHINGTON)

Arthur W. Scharfeld, being first duly sworn deposes
and says that he is attorney for the Pittsburg Publishing Com-
pany; that the facts stated in the foregoing "Petition to Re-
consider and Remand to Examiner" are true of his own knowledge
except such facts as are therein stated to be on information
and belief and these he believes to be true; deponent further
states that on the _____ day of August, 1936 he served by
registered mail a true copy of the above entitled "Petition
to Reconsider and Remand to Examiner" to all of the parties
who appeared at the hearing on the above entitled application.

Subscribed and sworn to before me this _____ day
of August, 1936.

Notary Public.

(SEAL)

My Commission Expires _____.

Frederick W. Brinkerhoff correspondence

A F F I D A V I T

STATE OF KANSAS)
) SS
CRAWFORD COUNTY)

G. A. Winters, of lawful age, being first duly sworn on his oath deposes and says:

That he is a resident of the City of Pittsburg, Crawford County, Kansas.

That he is a vice-president of Stauffer Publications, Incorporated, a corporation organized and existing under the laws of the State of Delaware.

That Oscar S. Stauffer of Arkansas City, Kansas, is president of said corporation; D. H. Stone of Arkansas City, Kansas, is treasurer of said corporation; Frances Shirley of Arkansas City, Kansas, is secretary of said corporation and Frank H. Terrell of Kansas City, Missouri, is assistant secretary and assistant treasurer of said corporation.

That the following are directors of said corporation:

Oscar S. Stauffer of Arkansas City, Kansas
G. A. Winters of Pittsburg, Kansas
Ross Porter of Shawnee, Oklahoma
Grant Stauffer of Kansas City, Missouri
W. C. Shank of Kansas City, Missouri.

That Oscar S. Stauffer of Arkansas City, Kansas; John R. Porter of Oklahoma City, Oklahoma; W. C. Shank, of Kansas City, Missouri; Grant Stauffer of Kansas City, Missouri; G. A. Winters of Pittsburg, Kansas; D. H. Stone of Arkansas City, Kansas; F. W. Brinkerhoff of Pittsburg, Kansas; Charles Spencer of Independence, Kansas; Albert H. Denton of Arkansas City, Kansas; Fred H. Vandergriff of Pittsburg, Kansas; Lorette Terrell of Kansas City, Missouri; John Veatch of Weir, Kansas; Marion W. Stauffer of Maryville, Missouri; Ethel L. Stauffer of Arkansas City, Kansas; Harold W. Herrick, of Winfield, Kansas; Clyde G. Roseberry of Shawnee, Oklahoma and Ross Porter of Shawnee, Oklahoma are the principal stockholders.

That all of the hereinbefore named officers, directors and stockholders are citizens of the United States of America.

(signed) G. A. Winters

Subscribed in my presence and sworn to before me this 7th day of August, 1936.

(signed) Bertha Carlson
Notary Public.

(SEAL)

My commission expires: Sept. 14, 1939.

Frederick W. Brinkerhoff correspondence

