

had endorsed five candidates for the City Council in editorials being broadcast 30 times on each of the stations. He stated that he had been offered 2 one-minute broadcasts on each station for response.

The Commission notified KING that the offer of two one-minute broadcasts did not appear to constitute reasonable opportunity for response to thirty broadcasts endorsing other candidates, even though the editorial endorsements were only 20 seconds long.

The Commission stressed that in view of the imminence of the primary the matter called for immediate good faith negotiation between KING and the complainant.

A KING petition for review of the order was denied. In a statement concurring with the denial, Commissioner Kenneth A. Cox, said that the equal opportunities provision of the rules does not apply and that the amount of time offered is adequate. He agreed that the discrepancy between 30 exposures and two is not fair and felt that the station and complainant should negotiate for a mutually agreeable distribution of the two minutes offered for response.

Action by the Commission, September 15, 1967, by telegram, Commissioners Hyde (Chairman), Cox, Loevinger and Johnson; Commissioner Cox concurring with a statement.

FEDERAL COMMUNICATIONS COMMISSION,
September 15, 1967.

KING BROADCASTING Co.,
Licensee of Station KING,
Seattle, Wash.:

Your petition for review is denied. See our telegram of September 14, 1967. Matter is therefore one for immediate good faith negotiation between you and complainant.

Commissioner Cox concurs but believes that a fuller explanation is desirable. He agrees that equal opportunities does not apply, and believes that in any event the amount of time offered is adequate. He also agrees that the discrepancy between 30 and two exposures is not fair, and believes that, on the facts before us, the station should negotiate with complainant for a mutually agreeable distribution of that time.

By direction of Commission:

BEN F. WAPLE, *Secretary*.

FEDERAL COMMUNICATIONS COMMISSION,
September 14, 1967.

Mr. C. M. McCUNE,
McCUNE & GODFREY,
Seattle, Wash.:

The Commission has sent the following telegram to KING Broadcasting Company in connection with complaint filed by you on behalf of Clarence F. Massart: "Your response has been received to complaint filed by Clarence F. Massart, who states that you have not offered him adequate opportunity to respond to editorials which are being broadcast 30 times each on your AM, FM and TV stations endorsing five candidates in next Tuesday's primary election for city council. You have offered him two 1-minute broadcasts on each station. Apparently, you have not stated the times at which the 1-minute broadcasts would be presented, or whether such time periods are comparable in audience potential with the periods in which your editorials are being broadcast. Commission's rules provide that when a licensee editorially endorses candidates it shall within 24 hours after broadcast of such editorial transmit to the other qualified candidates for the same office an offer of a reasonable opportunity for such candidates or spokesmen thereof to respond over the licensee's facilities. From the facts before us, it does not appear that the offer of two 1-minute broadcasts constitutes reasonable opportunity for response to 30 broadcasts endorsing other candidates, even though the editorial endorsements are only 20 seconds long. Moreover, there is no showing as to whether responses of other candidates will be presented in time periods of comparable audience potential. Accordingly, you are directed to afford reasonable opportunity to respond to your editorials. In view of imminence of primary, we stress that is a matter for immediate good faith negotiation between you and complainant."

BEN F. WAPLE, *Secretary*.