

Supporters drop petition concerning local station

By MARK SCHULTZ
Collegian Staff Writer

After two years of legal obstacles and rising construction costs, a group of local businessmen and investors has withdrawn their petition to establish a television station in State College.

Nittany Communications, Inc., (NCI), in a May 13 petition to Federal Communications Commission (FCC) Administrative Law Judge Thomas B. Fitzpatrick, asked to withdraw their March 1975 application for a construction permit for what was to be UHF station 29.

"We felt it was basically a time problem," NCI President Fred Nicholas said Wednesday, estimating that it might be three years before the station would have been on the air.

Nicholas and six others originally filed for the permit in March, 1975 with the intention of remodeling an existing building, and beginning broadcasts by October.

In May of the same year, however, State College Communications Corp., (SCCC), owners of radio stations WRSC and WQWK, filed a petition with the FCC to deny NCI the license, which any group or individual may do that believes justification exists for not granting the applicant a license.

Following a counter-petition by NCI which stated that the actual intent of the SCCC was to prevent the advertising market competition of the new station, the FCC held a trial last summer in Bellefonte to determine the intent of the SCCC, whose own licenses were up for

renewal at that time.

The FCC ruled in favor of the SCCC, stating that they had "filed in good faith and in a responsible manner."

Because of the delays, and rising construction costs, NCI found itself this May \$18,905 short of its estimated construction and first year operating costs and still no closer to State College's airways, Nicholas said.

Then on May 13, with an FCC hearing scheduled for June 6, NCI filed a petition to withdraw its original application.

After receiving affidavits of "no consideration" from both NCI and the SCCC, Judge Fitzpatrick, in his opinion dated June 1, stated, "Under consideration of this petition... it is necessary to dismiss this order and terminate proceedings."



State Senator Franklin Kury makes his points at the State College Women's Club community caucus on Wednesday night. Kury is serving his second term in the State Senate. Photos by Linda Herr

Tighten belts, Kury tells colleges

By ROSEMARY GARHART
Collegian Staff Writer

Should state institutions, such as the University, be allowed to borrow money to finance their programs due to a lack of state funds?

State Sen. Franklin L. Kury, responding to questions at a community caucus sponsored by the State College Women's Club Wednesday night, said these institutions must be more careful in their spending so they will not have to borrow money.

Kury, a potential Democratic gubernatorial nominee, said the state will no longer bail out programs in trouble. "New taxes are needed to offset new programs and the public is only willing to go so far. People don't see the relationship between taxes and an increase in services," Kury said.

He added that it is up to the legislature to examine and audit institutional programs more thoroughly.

Kury, 40, said he thinks he could win the Democratic nomination for governor if he had the support of a united central Pennsylvania.

Kury also said a Democratic candidate does have a chance of becoming governor, despite the reputation of the Shapp administration.

What does Kury think of Gov. Shapp? "He's done some good things, particularly fiscal control. He just doesn't know when to fire someone," Kury said.

One member of the audience asked what is the state's responsibility to public education.

Kury said the state is obligated to help provide thorough public education after first examining the schools' programs and expenditures.

He said he voted against House Bill 593 that required the state to pay one-half of the local communities' educational expenses.

"I would vote to pay for school subsidies, but I don't want to give anyone a blank check," Kury said.

Carol Herrmann, Centre region planning commission member, questioned Kury on the state's program to eliminate gypsy moths infesting trees throughout the state.

Kury said the state has allotted \$550,000 to spray residential and recreational areas, but \$15 million would be needed to spray the infested two million acres.

"Even this would be only 95 per cent effective and in three years the situation would be the same as today," he said.

According to Kury, a potential solution is parasitic control and he intends to check into state funding of research.

Another member of the audience asked if the Department of Environmental Resources (DER) is doing its job.

"DER is disliked by many who resent the agency's interference. Much environmental legislation was passed in the '70s and the communities were overwhelmed with regulations," Kury said.

Carol Herrmann asked what Kury would do to improve the state Department of Transportation.

"Take partisan politics out of the appointment of supervisors and superintendents, and complete a management study of the department," Kury said.

All steamed up? Keep your cool!

A few pointers might be welcomed by those who are new to the heat of a Penn State summer.

Between classes in air-conditioned Willard or the Forum, the pool or air-conditioned Pattee can help you keep your cool.

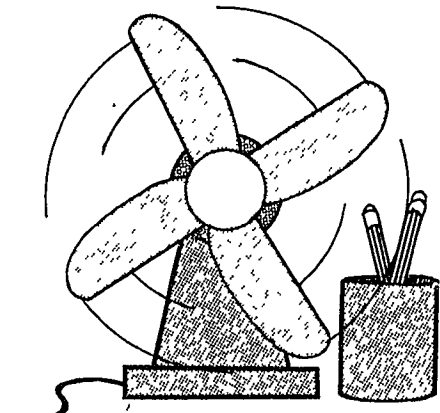
But sleep is hard to come by on hot nights like the ones we've been sweating through.

Charles N. Claar, director of the Institute of Engineering Advisory Services, said students never had it so good. When Claar, a Penn State graduate, lived in West Halls, the heat was alleviated only by fans. There were no air-conditioned respites available in those days.

But today in non-air-conditioned dorms and apartments, sleep will evade even lovers of the tropics. What to do?

Claar suggested an old-fashioned remedy to this timeless problem.

"I suppose what I would do is get a fan



Keeping cool in the dorms

and set it in front of an open window to pull air through," Claar said.

"We did this when I was a kid at home

in Philadelphia and the house would cool down in 15 to 20 minutes," he said. Claar also advised opening the door and window in order to achieve cross-ventilation.

Philip A. Grosnick, assistant director of the Residential Life Programs, suggested the same procedure.

"Because the University has straight steam heat, there is no real pumping system which could move air through the dorms," he said.

Grosnick suggested keeping windows open, but drawing curtains to keep hot sun from heating up the rooms.

Which sides of the buildings are hardest by sun and the height of a room in a building will determine how hot a room can get, he said.

So if sleepless nights are troubling you, try a few of these tips to see if the temperature in your room goes down. Hopefully, your spirits will rise instead of the mercury in your thermometer.

Lawyer's fees similar, but reflect market forces

An informal poll of four area law firms conducted by The Daily Collegian found legal fees fluctuated by only \$5 for a hypothetical divorce case.

In the landmark 1974 Goldfarb vs. Virginia State Bar, et al decision, the U.S. Supreme Court ruled that fee schedules, agreements by lawyers to charge the same fee for a given type of case, were illegal.

However, price similarity does not necessarily indicate illegality because the courts require evidence of subtle or overt organized pressure on lawyers to force them to comply with local pricing customs.

"Similarity in prices could be a result of free market forces.

"The marketplace controls cost," State College attorney Ronald Friedman said. "I would not say there was an active

agreement between lawyers as to how much they will charge. Rather, there is a conformity of fees because lawyers, like anyone else, must charge for their time and external factors," Friedman said.

The price similarity of the hypothetical divorce is due to "a bracketing or 'floor and ceiling' on a legal service in State College," he said.

This bracketing yields an informally agreed-upon conformity in fees, Friedman said.

"Five years ago there used to be a printed (fee schedule) which lawyers were given. But, I don't think they use it anymore; it's sort of an informal agreement," another State College lawyer said.

"There used to be a printed fee schedule back in 1963, but

today it's only an unspoken guideline," an attorney requesting anonymity said.

Still another lawyer wishing to remain unidentified said, "I think the larger firms use a fee scheduling set-up, but there are many individuals who don't adhere to a set rate."

"Oftentimes a lawyer will vary his payment terms according to what the client can afford," State College attorney Denning Mason said.

How the client pays for the lawyers services can affect the cost, he said.

"A person with a personal injury case will come out ahead when paying a fixed fee because a lawyer will often put more hours into a case" of this type than he actually gets paid for, Mason said.

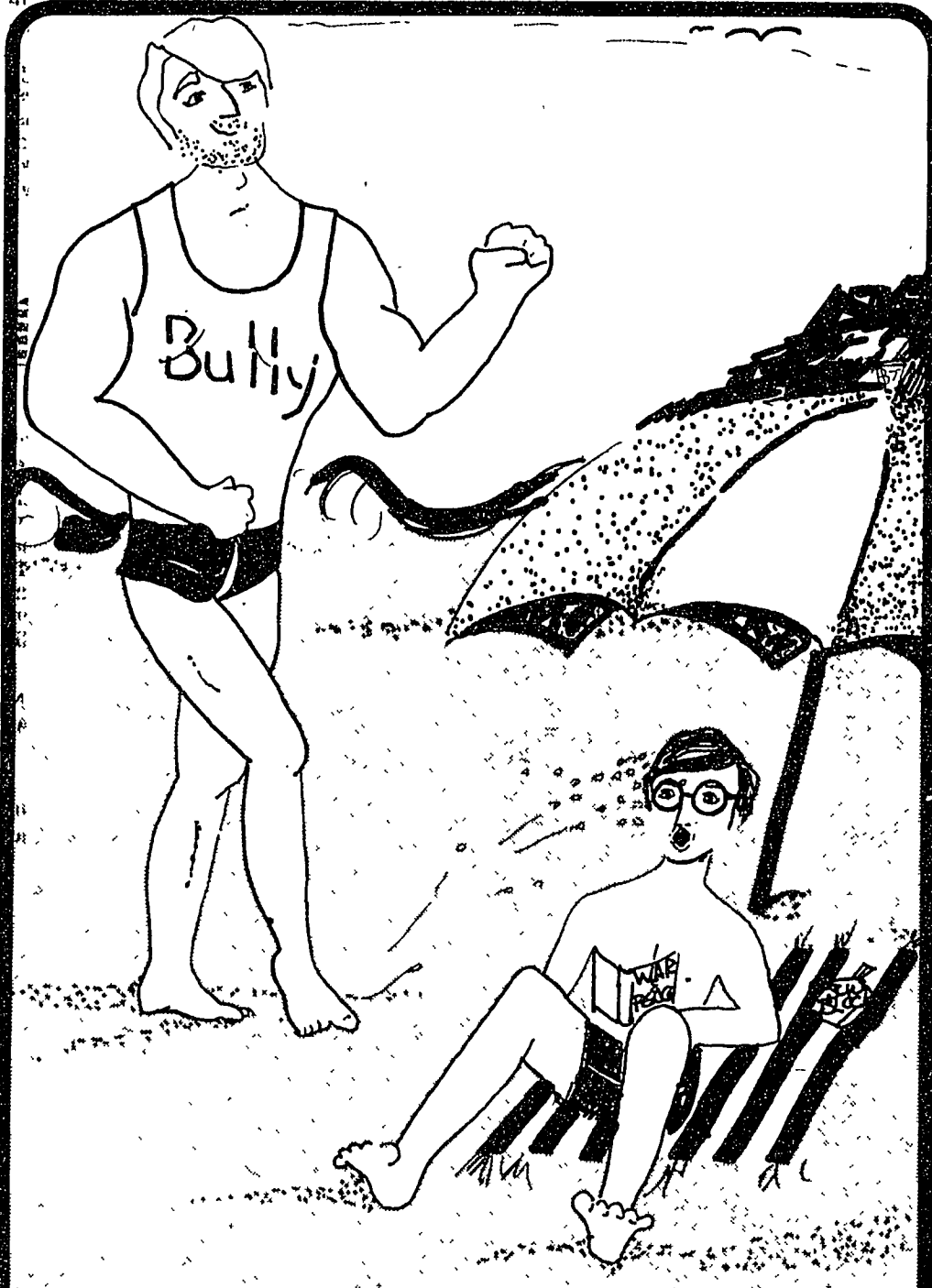
However, he said, a person getting a title search on a house which was title-searched within the previous two years should insist on an hourly rate because the lawyer has very little work to do.

A title search, required whenever buying land or a house, involves checking through deeds to make sure the property is free of any liens and is clear for sale.

"Lawyers are often flexible in their fees. You have to ask them their prices," Friedman said.

Prices vary by at least 10 per cent, he said, but a problem arises because to find out the fee a person often must pay for the time spent consulting the attorney.

"The best bet for students is to overcome the fear of asking the price of a service over the phone," Friedman said.



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