

ARKANSAS AIRWAYS COMPANY, OWNER & OPERATOR KXLR RADIO STATION and LOCAL 1304, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL, PETITIONER. *Case No. 32-RC-755. December 16, 1954*

Decision and Order

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Caso March, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

Upon the entire record in this case, the Board finds:

1. The Employer operates a radio station in North Little Rock, Arkansas. At a reopened hearing, held for the purpose of securing facts as to the Employer's gross volume of business, the Employer's general manager testified that for the calendar year 1953, the Employer's gross volume of business amounted to \$130,871.24. He further testified that for the 12 months preceding the hearing, the Employer's gross volume of business amounted to \$117,476.89.

The Petitioner contends that despite the fact that the Employer's gross volume of business is less than that required for the Board to assert jurisdiction according to the new standard for radio stations set forth in *Hanford Broadcasting Company (KNGS)*, 110 NLRB 1257, the Board should nevertheless assert jurisdiction. The Petitioner argues that the Board's action in limiting the factors which it will consider in determining whether to assert jurisdiction over radio stations to the station's gross volume of business is contrary to the clearly expressed congressional intent that the Board should assert jurisdiction over all enterprises affecting commerce, subject only to the doctrine *de minimis*, and that therefore the Board's action is unlawful. We reject this argument for the reasons stated in the majority opinion in *Breeding Transfer Company*, 110 NLRB 493.² The Petitioner also contends that the Board should consider the operations of Arkansas Telecast, Inc., in which certain stockholders and officers of the Employer hold controlling interest, together with the operations of the Employer, in determining whether to assert jurisdiction herein. The record shows that the application of Arkansas Telecast, Inc., for a license to operate a television station has not yet

¹ As the record, in our opinion, contains sufficient probative evidence concerning the Employer's business to enable us to resolve the issue as to jurisdiction, we deny the Petitioner's request that the Employer be required to furnish for the record a certified balance sheet showing its gross annual income.

² Members Murdock and Peterson find merit in the Petitioner's argument for the reasons set forth in Member Murdock's dissenting opinion and Member Peterson's separate opinion in *Breeding Transfer Company*, 110 NLRB 493, and in their dissenting opinions in *Hanford Broadcasting Company (KNGS)*, 110 NLRB 1257. However, they deem themselves bound by the majority decision in the latter case and therefore join in the dismissal of the petition hereinafter ordered.

been approved by the Federal Communications Commission, and that its application is being opposed by one or more competing concerns. We believe it would be premature to determine now whether the Employer and Arkansas Telecast, Inc., are so related that it is necessary to consider both operations in determining whether it will best effectuate the policies of the Act to assert jurisdiction over the Employer. Accordingly, we reject the Petitioner's second contention.

As the Employer's gross volume of business is less than \$200,000 per annum, we find that it will not effectuate the policies of the Act to assert jurisdiction herein.³ Accordingly, we shall dismiss the petition filed herein.

[The Board dismissed the petition.]

³ *Hanford Broadcasting Company (KNGS), supra.*

UNION CAB COMPANY AND RADIO CAB COMPANY AND YELLOW CAB COMPANY, INC. and LOCAL 959, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL, PETITIONER. *Cases Nos. 19-RC-1457, 19-RC-1458, and 19-RC-1459. December 16, 1954*

Decision and Order

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a consolidated hearing was held in these cases before Oliver E. Kearns, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and hereby are affirmed.

Upon the entire record in these cases, the Board finds:

The Business of the Employer

The 3 Employers are in the taxicab business in Anchorage, Alaska. The Petitioner is seeking 3 separate units composed, respectively, of each Employer's taxicab drivers and dispatchers. The business of the Employers is as follows:

A. *Union Cab Co.*: This company operates 30 pieces of equipment. Its annual gross business is \$250,000. Its annual purchases ("gas, oil, everything") are \$100,000. Thirty-three percent of its purchases is received directly from outside the Territory; the balance is purchased locally but also originates outside the Territory. It has a contract with the company that carries passengers between the International Airport and the city of Anchorage, to handle overflow business during peak periods.