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88. Pre-empting by STV of time now used by free TV is a matter toward which ABC, NAB and the Joint Committee direct remarks. The latter party states that the allegation of Zenith-Teco that there would be 30-40 hours of STV programming per week in any market and that this would still leave ample time for free TV overlooks the facts that the 30-40 hours are in prime time and that Zenith-Teco do not propose to limit STV to multiple station markets. The Joint Committee also questions the assumption of a 30-40 hour limitation of STV programming--a limitation based on the restricted amount of box-office programming and limitations in the family recreational budget. NAB points out that Zenith and Teco have said that stations would be predominantly STV or free TV because of such factors as prime time demands by both types of programming. If a station has STV programs on the air, the time is taken away from non-subscribers. In most markets, even the use of one station for STV would seriously restrict the public choice among programs. The concern of ABC about time pre-empting is expressed somewhat differently. It states that the Commission, recognizing the number of free TV hours would be reduced to some degree by STV, has proposed a limitation on the number of hours of STV broadcasting. In spite of this, it is stated, hours of free TV will be lost. There are relatively few markets with four or more stations where the loss would be less noticeable. To the extent that existing network affiliates use prime time for STV programs, network clearances could be severely compromised. This could be especially serious for ABC, which has the fewest number of primary affiliates and therefore has a greater problem in obtaining clearances for its programs. Failure of a significant number of stations to clear a program could badly hurt ABC's position in satisfying advertiser requirements, especially if the lack of clearances occurred in some of ABC's key markets. It could spell the difference between the retention or dropping of a program. Nor do delayed clearances help, because research has shown that programs cleared on a delayed basis frequently do not have sufficient audience to make them economically viable. Finally, ABC argues, the demand for station time of competing sources of entertainment which results in non-clearance of network programs frequently leads stations to drop network public affairs and other public service programs. Pre-empting of station time by STV programming would do this.

89. Several opponents state that the Hartford trial failed to give information about program siphoning. For example, ABC says this is because it was such a small operation that there wasn't even a remote possibility that it could compete for the most popular programs of network television that are sold nationally. CBS says that since the Hartford trial was limited to 5,000 subscribers, rather than 50,000 it originally contemplated as a maximum, meaningful conclusions on program diversion cannot be made. However, it is said, the trial established that STV and free TV rely on the same program sources, and if the Hartford business projections are correct, STV would have financial resources to siphon significant amounts of quality programming from free TV. Owners of box-office programs now on free TV would invite offers from both STV and free TV.