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scale and were not limited by Commission regulation is one of the most hotly contested points in this proceeding. It is one of the imponderables to which we referred. Of the various arguments raised by STV opponents, we find that of so-called selective program siphoning most persuasive. It is at least conceivable that a successful nation-wide STV system, even though possibly not having as much money as free TV to spend for program product, could, by directing its purchases at select programs, e.g., the World Series or professional football games, take them from free TV and require the huge audiences of those programs to pay to see them or not see them at all. We would not consider this to be in the public interest. Zenith and Teco, in discussing the charge that STV would siphon from free TV programs with high ratings, say that it is tortured reasoning to assume that people will pay to see siphoned programs on STV when there are programs of the same conventional type which could be seen on free TV. We disagree. In a different context, in refuting an argument of STV opponents, we said that a viewer wishing to see a heavyweight boxing match will not be satisfied with a tennis match. The same reasoning applies against the views of Zenith and Teco here. If a viewer wishes to see a particular program and that program appears on STV and not on free TV, he may not be satisfied by viewing other programs of the same general type on free TV.

112. Most other arguments on the topic of program siphoning we find too speculative to influence the action which we take here. The rule which we adopt, and which is discussed more fully in paragraphs 250-276. below, we believe will serve to prevent, or greatly limit, selective program siphoning. First, that rule requires that feature films shown on STV shall not have been given general release in theaters more than two years before STV showing. In other words, to the extent that STV shows feature films (and both Hartford and Etobicoke suggest that they will constitute much of STV programming) they must be current films. It appears that such motion pictures rarely find their way to free TV, and it does not appear that, in the light of box-office economics of motion picture production, they may do so in the foreseeable future. Thus the older films, which are generally the ones shown on free TV, cannot be shown on STV and there can be no competition between the two services with resulting siphoning to STV of that kind of programming--a kind, incidentally, which opponents seem to indicate is of growing importance to free TV. A single exception to the requirement that films shown on STV must be current is that STV stations may, under the rule, televise up to twelve feature films per year which had general release over ten years before STV showing. STV stations may not choose to show that many old films. In any event, even if they do, this could be expected to constitute a very small percentage of all feature films shown per year by an STV station (see para. 48).

113. The rule will also require that sports programs shown by STV in a community shall not have been shown on free television in that community on a regular basis within the last two years. Thus, for example, the World Series, having been on free TV in October 1964 could not be shown on STV