

-44-

acquisition costs. If requested by RKO, Teco usually provided such funds to RKO in return for receiving a certain percentage of the subscription fees received for the program. It is emphasized that this aid was not given until RKO had negotiated for the program and requested Teco aid. On occasion, and at the request of RKO, Zenith sometimes stepped in to facilitate negotiations for programs, but this was usually by way of using its personal contacts. Zenith also furnished some financial assistance to Teco to aid it in obtaining programming as mentioned above. Zenith states that it does not intend to continue supplying such assistance if STV is operating on a nation-wide basis, and it also does not intend to engage in the distribution or production of programs for STV.

128. It is claimed that comments filed in this proceeding in 1955 alleged that Zenith and Teco would exercise control over the distribution and selection of STV programs whereas such has not been the case. These two parties state that because of legal and business reasons they could not enter into any arrangement or tie-in with local franchise holders giving any program supplier the exclusive use of Phonevision facilities. If nation-wide STV is authorized, they say, Teco will serve two functions: (1) Granting local franchises and promoting the use of Phonevision equipment. (2) Possibly assisting in obtaining programs for STV, but such assistance will not tie in with its arrangements with local franchise holders, or with the arrangements that such franchise holders may have with station licensees, so as to give Teco an exclusive position with regard to any other program supplier.

129. The comments of Zenith and Teco on this subject end with a statement that monopolistic conditions in any business result from either the intent of parties involved or natural economic forces. These two parties aver that they have no intent to gain monopolistic control over STV in the United States. With regard to station owners, they say, there can be no monopoly because of the Commission's multiple ownership rules. While the natural economic forces that might make for monopoly are difficult to foresee, they state that under the operating proposals which they make there does not appear to be "any immediate or reasonable prospect of monopolistic evils which would require governmental regulatory action. If, after the full play of the natural forces of competition, a condition now unforeseen should arise at some time in the future which would indicate any trend toward monopoly detrimental to the public, the Commission can always exert its present regulatory power to eliminate any anti-trust problems that may possibly arise."

130. Combining its comments on the modus operandi, methods to be employed, and possible monopolistic features of STV, Telemeter takes issue with some of the views expressed by Zenith and Teco. The position of Telemeter follows, nearly all of it being best expressed in its own words.

131. There is only one STV operation in the United States today--that at Hartford which numbers but a small minority of the community as subscribers, and they only spend about 5% of their time viewing STV.