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free programming, all in the interest of assuring adequate free programming for the public. We now face the question of whether STV programming should be limited as to segment of the broadcast day and to number of hours of programming. The answer to us is a clear "no." We have made adequate provisions to assure free programming. The new service cannot be completely surrounded with restrictions lest it smother. Some flexibility in operation is needed, and for various reasons we think that this is an area where that flexibility should be preserved. For example, to limit the number of hours of STV programming in prime time could, in the light of the Hartford trial, quite possibly prevent the new service from becoming financially viable. Prime time was the principal programming time at Hartford, and it would appear that it will be in new operations. STV should be permitted to program that or any other time with STV programming if it so wishes, with as many or as few hours as it wishes.

165. With the limitations which we are adopting, the fears of the Joint Committee about impact should be allayed; and the AMST argument that the proposed rule might allow all STV programming (and no free programming) during prime time in five-station markets vanishes. In the light of the position we take, it becomes unnecessary to discuss some of the other points made in the comments. As with other parts of our rules, should experience indicate the need for modification thereof, such changes can always be made.

(3) Whether subscription television should be permitted over any television station (subject to possible qualification as in par. 45(b)(4) concerning number of stations in the market), UHF stations only, or some other limitation.

166. Comments on this issue present a mixture of views. Several parties state that STV should be permitted over any station, for to adopt limitations, such as limiting it to UHF stations, is inherently anticompetitive, and no station should be precluded from rendering STV service if it wishes. They argue that there is no apparent reason for any limitation of this nature, and that if one were adopted it would foreclose VHF stations in some markets from STV operations and some markets might be deprived of STV, contrary to the public interest. Although Trigg-Vaughn is of the foregoing view, it states that as an interim policy the Commission might, in comparative hearings, favor UHF applicants proposing STV operations. Kaiser, believing that it is too early to decide whether to limit STV to particular types of stations, in effect says that there should be no limitation at the present time. AMST, although opposing STV, apparently would favor not limiting it to UHF stations because, among other reasons, it is irrelevant whether free TV is impaired by STV over UHF or over VHF stations, and because to limit it to UHF would do violence to the principle of an integrated UHF and VHF national television system on which the all-channel law is based. "In any event," AMST argues, "the Commission's plans for UHF development are long-range and short-term expedients like this would only divert UHF stations from providing the free television service contemplated for them by the Congress."