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167. On the other hand, some parties would have us limit STV operations to UHF. The usual reason for this view is that STV can supply needed economic and program sources for marginal and new UHF stations. The views differ slightly: Skiatron, for example, would limit STV to UHF and marginal VHF stations. Springfield says to limit to UHF but to waive the rule on an adequate showing. Acorn would limit STV to UHF stations at the outset. It says that a UHF station is more likely to be a new station and that the public would be more likely to pay for programs over that station than to pay to stations from which they have been receiving programs free. In addition, Acorn observes, since UHF stations are more likely to be new, there is less chance of pre-empting of free TV time than there is if an established VHF station begins STV operation.

168. Conclusions. Although as a practical matter, STV may turn out to be limited mostly to UHF stations, we do not think that it should be so limited by rule. To do so could, as some parties argue, foreclose some VHF stations that wish to engage in STV operations from doing so. With the rules that we adopt today, sufficient restrictions are placed on STV to act as safeguards in areas of concern. We do not find any of the reasons given for restricting STV to UHF of sufficient weight to merit such a rule at this time.

(4) Whether more than one station in a community should be permitted to engage in subscription television operations, and, if so, whether such stations should be permitted to broadcast subscription programs simultaneously.

169. Telemeter states that this is a complex question which should be decided on a case-by-case basis, at least until some pattern emerges. It thus appears to oppose a rule restricting STV to a single station in a market. Zenith and Teco mention that as a practical matter it is likely that there will only be one STV station in a community, but to impose such a limitation by rule would apparently go contrary to the Commission's policy of encouraging competition. They suggest deferring this kind of decision until such time as a second station in a market applies for STV authorization, at which time the Commission will have information concerning the operation of the first station therein and could make a judgment on the basis of that information and other local public interest conditions. The opinion of Kaiser that it is too early to decide this issue is consistent with the foregoing.

170. Various parties, including ABC, Teleglobe, and ACLU take a position that STV should not be restricted to a single station because this is anticompetitive. Teleglobe adds that a limitation would also be unfair to another station in the community wishing STV.

171. Munn and Chase say that STV should be limited to one station per market because there is insufficient box-office programming for more than one station, and that allowing more than one to engage in STV operations would deteriorate the service. Trigg-Vaughn and AMST state that to limit STV to one station in a community would give the single station a monopoly. Moreover, according to AMST, "the combination of these market monopolies, deeply committed to pay television, would be particularly effective and energetic in efforts to 'siphon' free television audiences and programming." AMST admits, however, that such a restriction would reduce the pre-empting of free TV time by STV.