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on to the public, and a profit is made by the licensee or others from the use of the public's channels. Yet we do not regulate the rates charged by free TV stations for time over their stations which results in their profits, and it has been said that we cannot. ^{40/}

222. The public is free to subscribe or not to subscribe to STV services. We believe that the market place will regulate the charges that are paid and that if they are excessive the operations will not succeed. There is nothing in the Hartford trial to indicate that rates will be exorbitant. The highest price for a feature film during the first two years of the trial was \$1.50. The lowest was 50¢. The most costly sports event was \$3.00; the lowest, \$1.00. The average prices for such programs during the second year were \$1.03 and \$1.37, respectively. Prices for other programming were comparably reasonable. We have already adverted to the fact that for a very popular heavyweight fight nine persons were viewing at each tuned-in set for a cost of \$3.00 whereas the same fight was shown on closed circuit TV in local theaters for a price of \$5.00 per head. Moreover, the rules which we adopt provide that the station licensee shall have ultimate control over the maximum charges to be made for programs, and the licensee is responsible to the Commission at renewal time for the stewardship of the station in the public interest and is expected to govern his activities during the license term accordingly. Regulation of charges, terms and conditions as prescribed in Section 73.642(f)(2) (Appendix D) which we adopt today is the extent of regulation that we deem necessary at the present time in this area. Should abuses arise, we are not barred from taking whatever steps appear to be necessary to correct them.

(10) Whether a station engaged in subscription television operations should be required to furnish subscription service to all persons within its service area who desire it.

223. Several parties are of the opinion that it would be premature to adopt rules on this subject in this stage of development of STV. In this, as in other areas, Kaiser believes that because of the uncertainty about how the new service will develop, overly narrow and detailed restrictions might both fail to achieve their desired ends and smother the infant industry. Kaiser states:

"...[I]t is far too early to conclude that there is a need to impose full-blown public utility regulation upon subscription operations, with an obligation to serve everyone within some defined area and with detailed regulation of rates and earnings."

Trigg-Vaughn thinks it too early to impose a regulation requiring that everyone within the service area of a station be furnished STV service if he desires it. The reason given is that there might be a limitation on the ability of

^{40/} Pulitzer Publishing Co. v. Federal Communications Commission,
94 F. 2d 249, 251 (C.A.D.C., 1937).