

-77-

a station to do this as a result of freak interference and reception conditions or other problems for which the station would have no remedy. ABC, Telemeter, and by implication, Munn and Chase, are of the view that, generally speaking, STV service should be provided to all persons in the service area on a non-discriminatory basis. However, the last two of those three parties qualify the position with provisos which include giving the STV operator the right to refuse or terminate service for non-payment of STV fees, for irresponsible or unauthorized damage to or use of decoder equipment leased to the subscriber, or for other reasons. Telemeter would also like the right to provide cash decoders rather than credit-type decoders to poor credit risks. Munn and Chase observe that the right to see free TV is limited by the ability to buy a set. If a person does not pay for his TV set, it is repossessed. They believe it would be an error to place on STV operators a requirement to serve all who wish to subscribe, and that the matter would best be left to the operator's business judgment and desire to expand.

224. As to the last-mentioned point, Trigg-Vaughn says that because of natural competitive motives the STV operator will make the broadest efforts to serve as many subscribers as possible. Zenith and Teco, of the same view, say that because of this there is no need for a rule. They also advert to the fact, like the Trigg-Vaughn view mentioned in the previous paragraph, that it is sometimes difficult to define a station's service area because there may be places of poor reception within the Grade A and B contours. They believe that although a rule might give protection in such situations, they can easily be handled on an ad hoc basis. Although apparently opposing the adoption of a rule, Zenith and Teco express a view like that of Telemeter, and Munn and Chase, that the STV operator should be permitted to withhold or withdraw STV service from those who are poor credit risks or who otherwise violate the terms of subscription agreements.

225. Finally, Zenith and Teco make the following statement:

"...We might also note that in commencing new subscription operations in any community, it may be necessary, in order to efficiently and expeditiously handle decoder installations, to break down the so-called service area into geographic sections for purposes of orderly promotion and development. While this approach would be usually temporary, in most cases it will undoubtedly be utilized."

226. Conclusions. This issue is not without difficulties. We have classified STV as broadcasting on the ground that its transmissions are intended to be received by all members of the public who wish to subscribe. This would suggest that all who wish it should receive service, i.e., that all should be served, but for the reason that STV is broadcasting regardless of whether it is a public utility or not.