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Its proposal also contains a requirement that STV stations notify other television stations in the area of intent to broadcast a sports event, and a provision under which such other stations could file with the Commission, within a specified time, petitions to prohibit the showing of such programs. We find the latter proposals cumbersome, unduly restrictive, and unnecessary. However, we are of the opinion that the part of the proposal quoted above contains a helpful concept for the prevention of siphoning of sports, and the rule which we adopt is basically like it.

254. Our new rule appears in Section 73.643(b)(2) of Appendix D. Generally speaking, it prohibits the STV broadcast of sports events regularly televised in the community via free TV during the previous two years. It differs from the proposal of the Joint Committee in that it uses a period of two years rather than five. The Joint Committee states that the five-year period would act as a deterrent to siphoning, and would give free TV stations an adequate time in which to adjust to the loss of sports programs. We believe a period of two years to be a more realistic and workable figure on which to base a rule that will provide the desired deterrent effect. As to giving stations an adequate time for adjusting, we regard this as a makeweight argument, and, in any event, two years appears to be an adequate time for such adjustment. In addition to the foregoing modification of the proposal of the Joint Committee, other modifications, consistent with the discussion in the following paragraphs, appear in our rule.

255. The Joint Committee, in discussing its proposal, states the following:

"Such a rule, for example, in the Washington, D.C. area, would proscribe from Pay-TV the World Series, the Kentucky Derby, the National Football League and American Football League games of the week, Washington Senator baseball games, Washington Redskins regular season 'away' games, Atlantic Coast Conference basketball games, National Association basketball games, American League and National League baseball games of the week, specific golf and tennis tournaments, specific professional and college pre-season and post-season football games. Sports events which could be carried would include Washington Redskins 'home' football games, games of any professional or college team not formerly carried in Washington on a regular basis, and boxing bouts including championship boxing bouts since boxing has not been carried on a regular basis."

Although our views are essentially similar to those of the Joint Committee expressed in the foregoing statement, we believe that some refinement and elaboration is necessary as will become apparent below. Since to include in the rule all of the points covered in the following paragraphs would make it extremely cumbersome, we are, in NOTE 2 of Section 73.643(b)(2), calling attention to the fact that when questions arise with regard to administering the rule they will be resolved in the light of the following discussion--the "legislative history" of the rule.