

274. Still another rule adopted to prevent siphoning is that which proscribes the showing on STV of a series type of program with interconnected plots or substantially the same cast of principal characters, heretofore mentioned (para. 240). Since this sort of program is a staple of free TV it would appear essential to afford protection in this area, consistent with our desire to assure ample free programming to the viewing public.

275. Finally, we adopt a rule prohibiting commercial announcements of any kind during STV programming hours. However, it would permit promotional announcements about STV operations, at the beginning or the end of each separate program. Thus, for example, if the same feature film were shown twice in the same evening, such announcements could be broadcast between the two showings. We cannot agree with ACLU that principles of free competition should weigh in favor of permitting commercials on STV. Such operations are based on an entirely different economic concept from that of free TV--namely, that of financial support from paying subscribers rather than from advertisers. This fact works to permit the enhancement of the beneficial supplement which STV can offer by additional advantages mentioned elsewhere, namely, no interference with artistic continuity of a program by commercials or by cutting programs to make them fit a time schedule.

276. The advantage of the rule concerning feature films is that it is clear, definite, and easy of application. In addition, although some difficulties may occur in application of the rule on sports or on series-type programs, we do not anticipate that they will be serious. None of the rules is plagued with the indefiniteness mentioned by some commenting parties. We believe that they will serve to fulfill their functions of preventing undue siphoning, promoting program diversity, and preserving artistic continuity. Some may complain that in the areas of programming dealing with other than movies, sports, and series programs (e.g., programs like those of Andy Williams or Lawrence Welk) there is no siphoning protection. To this we say, as we have said before, that some competition (between STV and free TV in the programming area) may be beneficial to free TV and to STV as well, and we leave this type of program to competing factors in the market place and the performer's desire for exposure.

277. We believe the foregoing rules adequate to prevent siphoning of programs. It does not appear to us that rules to prevent siphoning of talent are necessary to achieve the end of assuring adequate quantity and quality of free TV to the public, at least at this time. However, we would view with a jaundiced eye unreasonably restrictive contracts on the part of either STV or free TV with talent that would prevent the latter from performing on or otherwise serving the other service. We shall watch this area closely, and shall entertain petitions by aggrieved parties for corrective action that may appear necessary in the public interest.

278. As to the subject of a required showing by STV applicants that their proposed programming will differ from conventional programming