

permission; Section 605 prohibits the unauthorized publication of communications, but expressly exempts 'the contents of any radio communication broadcast' from its application. Most of the foregoing are the subject of Commission rules. We invite comments on whether we should recommend legislation to the Congress, and if appropriate, make changes in our rules, to modify any of these sections insofar as they affect subscription television. In addition, comments are invited on how the 'fairness doctrine', which does not appear in our rules, but which is given recognition in Section 315(a) of the Act, should apply to subscription television."

281. Some comments favor applying present sections of the Act and of the broadcast rules and policies to STV, without amendments of any kind, since STV has been determined to be broadcasting. Others state that at least some of the foregoing should not apply, or that STV experience should be gained before deciding. Illustrative of these views are the following.

282. Telemeter states that it sees no reason for adopting new rules. It believes that to the extent to which STV programming would bring present rules and policies into play, they should apply, and mentions that at Etobicoke (although it was a cable STV operation, and in Canada), candidates for public office appeared over STV without charge to them or to the subscribers in accordance with Section 315 and the fairness doctrine principles. Zenith and Teco say that WHCT at Hartford reported that it experienced no dissimilarities in complying with the Commission's broadcasting rules when operating conventionally as compared to operating with STV. The station did not find it necessary to request a waiver of any of the rules except to the extent necessary to scramble its signals. These parties observe that should any problems arise in STV operations, they could be handled on an ad hoc basis. Telelobe says that the only amendments necessary are those proposed in Appendix C of the Further Notice as modified by the comments in this proceeding.

283. AMST, mentioning the paragraph 30 material, says that since STV has been designated as broadcasting by the Commission, the fairness doctrine and the sections of the Act and of the Commission's rules which govern free TV should apply. As to Section 317 of the Act, it says that it should apply if sponsorship is allowed on STV, which it should not be. It stresses the fact that comments of proponents indicate that a system of one or more national organizations similar to free TV networks is contemplated. Therefore, the chain broadcasting rules (Section 73.658 of the Rules and Section 303(i) of the Act) should apply to STV. These rules, it is said, are intended to guard against dangers which the Commission assumes are inherent in network systems, and would be especially important if only one STV network were to emerge, in which case even more stringent protective measures might have to be adopted. Finally, it mentions that Section 315 and the fairness doctrine should be kept within the different confines of STV and free TV