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293. On the same subject, ACLU states:

"Although the FCC notice is silent on this question, ACLU believes it to be in the public interest to permit educational, municipal, and non-profit stations to employ STV for portions of their broadcasting schedules. STV programming by such stations could be expected to add to the variety of services available to the public, as well as contribute to their financial self-support."

294. Because, as stated before, we have no adequate record on which to base decisions about STV operations by noncommercial educational stations and because the whole matter of educational television is under broad study on many fronts, decisions on the subject cannot and should not be made. <sup>51/</sup> However, if parties having STV authorizations wish, as part of their programming, to broadcast educational or cultural programs in conjunction with non-profit educational organizations, such proposals will be given consideration in connection with their other proposed programming. In this regard, we point out that we are of the opinion that programming of an educational and cultural nature is certainly in the public interest. This is the main reason for our having adopted a rule requiring that at least ten percent of STV broadcast hours be devoted to other than feature films and sports.

#### WIRE OR CABLE SUBSCRIPTION TELEVISION

##### Preliminary Statement

295. As stated in paragraph 4 above, the scope of this proceeding was enlarged by the Further Notice to include not only over-the-air STV, its previous subject matter, but an inquiry into what the role of the Federal Government should be, if any, with regard to the establishment and manner of operation of wire or cable STV, and how that role should be effected. This was done, as the Further Notice mentioned, because of the change in conditions since this proceeding began in 1955. An important change has been the rapid growth of CATV systems.

296. Because of the necessity to avoid frustration of our television assignment plan and policies under Sections 1 and 307(b) of the Act by the existence and growth of CATV systems throughout the nation, on March 4, 1966, we asserted jurisdiction over all such systems--microwave-served and off-the-air--and adopted rules designed to fit such systems into the total television system. <sup>52/</sup> In connection

<sup>51/</sup> In passing, we note that Section 73.621 of the Rules provides that educational stations may not broadcast programs for which consideration is received. This rule, of course, was adopted in a context devoid of STV possibilities. We also note that we have in the past authorized noncommercial educational television stations, on an experimental basis, to transmit "scrambled" signals which could be viewed "unscrambled" on specially adapted equipment. An example is that of four such stations in California which have been authorized to present, in that manner, programs designed to meet the educational needs of the medical profession and not deemed suitable for the general viewing public. The programs are broadcast to hospitals and educational institutions for viewing by physicians, hospital staffs, and others. We shall continue to authorize such operations on the same basis where application is made and it appears appropriate to do so.

<sup>52/</sup> Second Report and Order, Docket Nos. 14895, 15233, 15971, 2 F.C.C. 2d 725.