

lation 1539. The Commission's Report and Decision granting the application of Hartford Phonevision Co. (now RKO General Phonevision Co.) for authority to conduct a trial subscription television operation is reported at 30 F.C.C. 301.

JURISDICTION

The judgment of the court of appeals affirming the decision of the Commission was entered on March 8, 1962 (Pet. App. 8). The petition for a writ of certiorari was filed on June 6, 1962. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1) and 47 U.S.C. 402(j).

QUESTION PRESENTED

Whether the Federal Communications Commission is empowered to license on a trial basis a subscription television service which requires the payment of a fee by the public to receive programs.

STATUTE INVOLVED

The pertinent provisions of the Communications Act of 1934, 48 Stat. 1064, as amended, 47 U.S.C. 151 *et seq.*, are set forth at pages 2-6 of the petition.

STATEMENT

In 1955 the Commission instituted a rule making proceeding to determine whether television broadcast stations should be authorized to transmit programs whose reception by the public in intelligible form would require the payment of a charge (Notice of Proposed Rule Making in Docket No. 11279, 20 F.R. 988). In the Notice of Rule Making the Commission requested comments on the questions whether it had