

or modified at any time upon notice and hearing (*id.* at 321-322).

The court of appeals affirmed the Commission's decision on March 8, 1962 (Pet. App. 1-7). It did not accept the contention of petitioners that the Commission lacks statutory power to authorize a system which requires the direct payment of fees from the public. The court found that the Commission was given a "broad grant of power" by Congress, subject to limitations not pertinent here, to issue a license to any applicant if the public interest would be served (47 U.S.C. 307(a)), and that Congress had specifically commanded the Commission in Section 303(g) of the Communications Act to "study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest" (Pet. App. 5-6). The court held that the plain language of the statute "thus makes clear that Congress placed an affirmative duty on the Commission to experiment with and develop the most desirable deployment and utilization of the nation's communications facilities" (Pet. App. 6).

Finding that the distinguishing characteristic of the authorization in this case was its trial nature, the court of appeals also rejected the contention that the predicted dangers of a trial of subscription television rendered such a trial contrary to the public interest (Pet. App. 6-7). It noted that every license for future operation necessarily involves some predictions as to an uncertain future, and found reasonable the Commission's determination that "the public benefits anticipated by the Commission warrant the risks of