

Mr. BROYHILL. I have no other questions at this time, Mr. Chairman.

Mr. MACDONALD. Mr. Van Deerlin.

Mr. VAN DEERLIN. Good morning, Mr. Chairman.

In the event that the decision were to go forward with this subscription television system, has the Commission given any thought, Mr. Chairman, to the guidelines it would impose in awarding licenses? I have visions, in every market area, of all current licensees applying to provide the subscription signal.

Mr. HYDE. Nothing beyond what has been suggested in the committee's recommendations, Congressman Van Deerlin. We have not, as a matter of fact, had an opportunity to discuss the committee's report since the oral argument. Attachment B to the committee's report, a suggestion for further rulemaking going to technical standards, very general ones, was released by the Commission for comments on July 26.

(The document referred to follows:)

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C.
FCC 67-891-3085

In the matter of Amendment of Part 73 of the Commission's Rules and Regulations (Radio Broadcast Services) to provide for Subscription Television Service

(Docket No. 11279)

ORDER SETTING ORAL ARGUMENT AND SECOND FURTHER NOTICE OF PROPOSED RULE MAKING

(Adopted July 26, 1967; released July 31, 1967)

By the Commission: Commissioners Bartley, Lee and Loevinger absent.

1. The Commission has before it for consideration its Order released in this proceeding on July 14, 1967 (FCC 67-819; 32 F.R. 10606, July 19, 1967), and the Attachment thereto which consisted of a Report of the Commission's Subscription Television Committee dated July 3, 1967. The Order stated that, as an aid in studying and resolving this matter, the Commission intended to hold oral argument in the early fall in this proceeding and would specify a date for the argument by a subsequent order. It also stated that interested parties could file written comments or outlines of oral arguments, not to exceed 50 pages, on or before September 15, 1967.

2. The Order further said that the oral argument would be most useful if addressed to the report of the Subscription Television Committee. That report consisted primarily of a proposed Fourth Report and Order and a Second Further Notice of Proposed Rule Making herein, which the Committee transmitted to the Commission and recommended for adoption. The Fourth Report and Order would, if adopted, establish a nation-wide over-the-air subscription television (STV) service and, with the exception of rules governing STV system performance capability, would promulgate rules governing that service. The Committee recommended that the Second Further Notice of Proposed Rule Making, which invites comments on proposed rules governing STV system performance capability (and assumes that STV would not be limited to the use of a single technical system), be adopted simultaneously with the Fourth Report and Order.

3. After further consideration, the Commission has today determined the date on which oral argument will be held, and has also decided that it would be in the public interest to issue at this time the Second Further Notice of Proposed Rule Making inviting comments on proposed rules concerning STV system performance capability, instead of waiting until final decisions which might favor adoption of the Fourth Report and Order are made.

4. The reason for the decision to issue the Second Further Notice of Proposed Rule Making at the present time is that this will permit the Commission to give consideration to the technical matters concerning system performance capability sooner so that if, after oral argument, it should be decided to establish an STV