

Mr. HYDE. We want to make it clear that we did not want to be seemingly acting in disregard of Congress. We recognize that this is a field of great interest and in the event Congress wished to resolve the issues here or come before the Commission we think it only appropriate to provide time for that attention.

May I correct an answer I made previously.

You asked me if the last expression of the Commission was unanimous. It was as to the members present but Commissioner Loevinger was not present at the meeting.

Mr. BROTZMAN. So what you are really saying there and once again directing our attention to the very fine point of jurisdiction, you say that under the existing law and the one decision, court of appeals decision, you say it is your conclusion that you have jurisdiction.

However, recognizing the right of the Congress to act in this regard if we desire to assert our authority.

Is that a fair statement?

Mr. HYDE. Right.

Mr. BROTZMAN. I have just one more question and this relates to paragraph 5 of your 1966 pronouncement.

In the last sentence you say that, "Subscription television on a nationwide scale can be effectively integrated into a total TV system with advantages to the viewing audience. That appears to be a reasonably sound conclusion at this point."

While I know that you have not finally determined, it would indicate to me that you feel that there is merit in this particular use of the medium.

Mr. HYDE. I would say that what you have read is the view of the committee that made a rather intensive study of this. We will all be looking at it again in the light of the hearing just concluded.

Mr. BROTZMAN. As of this particular moment all I am trying to do is to nail down the FCC's position.

Mr. HYDE. That is the latest document on the subject.

Mr. BROTZMAN. Thank you.

Mr. MACDONALD. On that point, in the document they have indicated that for the first time FCC would be going into the program requirements.

Isn't that correct?

Mr. HYDE. Mr. Chairman, these rules suggested by the committee are a new concept. It is the first time that this approach has been mentioned according to my recollection.

Mr. MACDONALD. I have been on the committee for quite a while now and I have never heard it suggested by anybody, and I mean anybody, that FCC should get in the business of programing and telling the stations that they have to reserve 10 percent of their time for the ballet and drama of substance, because frankly we just passed a bill that is going to cost quite a good deal of money where we authorize money to educational types of stations for just the things that you say the pay TV people will have to use up to 10 percent of their time doing.

Mr. HYDE. Mr. Chairman, without involving myself in an expression of opinion about the substance of the provisions here, may I just make this observation.

The committee is apparently in its recommendations to the full Commission trying to devise regulations that would permit the opera-