

serve as a guide as to what the sense of Congress may be in this area of pay TV?

Mr. HYDE. The resolutions certainly indicated an interest. We certainly have every respect for the interest of Congress.

Mr. BROWN. They represent an interest by the committee and not a formal action by the entire Congress.

Mr. HYDE. We are not disposed to treat the interests of the committee lightly at all, as you can tell by the procedures that we have followed.

Mr. BROWN. May I ask if you consider the expression of the committee as equivalent to an expression by the Congress?

Mr. HYDE. No, I do not. As a lawyer I could not. I do not believe you would expect me to.

Mr. BROWN. What relationship do they have? They are a guide, but not a legal proscription.

Mr. HYDE. That is right. They are an advice, let me put it that way.

Mr. BROWN. Let me ask about a couple of resolutions. In the first place, I note that there has been a change in the language we are using in broadcast legislation from the language used 8 or 9 years ago in these resolutions, or at least I presume that is the case because of the use of the term "radio and wire transmission." But in that language used I find difficulty reading anything but CATV as it is now operating, to wire transmission of pay TV.

Mr. HYDE. There is no doubt but what this development of cable television has brought about this new interest in the term "wire" or the broader look at the whole subject.

Mr. BROWN. There has been a specific limitation by the FCC, however, to experimenting in subscription television and its use of the spectrum but not much control of the commercial usage of CATV.

Mr. HYDE. This is true. Our regulations in the community antenna field are just regulations. We have not asserted licensing authority. We do consider petitions for waivers of regulations. It sort of looks like granting a permit in some circumstances. But our overall posture there is one of administering some rather broad regulations which have nothing to do with original franchising, these are normally granted by the communities. What we have endeavored to do is bring a bit of order into the distribution of broadcast programs, which absent Commission regulation tended to disregard the rights of local stations.

Mr. BROWN. You say it has nothing to do with original franchising but in certain instances original franchisers have gotten into the CATV business. My question is, Why would you consider a resolution by the committee which speaks to subscription TV by radio as a more serious proscription than the use in that same resolution of subscription TV by wire and not have moved more quickly to control CATV development by certain licensees versus the interest expressed in subscription pay TV?

Mr. HYDE. Congressman, I do not believe that we have made such a distinction. Up to now there have been some program originations but by and large CATV handles programs originated by the networks and stations. Local origination is incidental to a larger interest in handling the programs originated by the networks and stations.

Mr. BROWN. I have another question but first I have to check some language, Mr. Chairman.