

Mr. BROYHILL. That you did not have?

Mr. HYDE. No. I think the committee took the view that the Commission should not adopt such a regulation. The Commission, in fact, did determine not to adopt such a regulation but it did not do this on a question of law.

Mr. BROYHILL. The same question, of course, comes up in the limitation on programing. I see in the rules, for example, the proposed rule would prohibit the series type of programs; it would also prohibit showing movies over a certain age. I am inquiring what is the statutory basis for this difference in treatment of program content, so-called free TV on the one hand and STV on the other, when you are using the same language of the act to justify your actions. Conversely, you could do the same with free TV. As in years past we will have changes in the Commission and whatnot.

Mr. HYDE. I think you must have observed that the committee was concerning itself with ways and means of authorizing subscription TV under conditions that would not lead to a conventional TV subscription system. I suppose they would argue that the Commission has authority to make regulations appropriate to this class of service.

Mr. BROYHILL. That brings up an interesting point, Mr. Chairman. I read somewhere that one of the networks, I believe, or some company—I have forgotten now which it was—was considering a cartridge type of program where the individual could actually play his program over his own television set. Would the FCC want to exercise jurisdiction over this? Would this not be a siphoning off of audience?

Mr. HYDE. Neither this committee nor the FCC—well, so far as the FCC is concerned it would seem not to worry about this. True, this replay device would use your TV set but it would be like playing a program on your TV set in the same way you would play a record on your high-fidelity set.

Mr. MACDONALD. Mr. Harvey.

Mr. HARVEY. Mr. Chairman, I want to go back for a minute again to what has motivated the FCC in going ahead with its hearings and getting back to the question that Chairman Macdonald asked you a few minutes earlier.

In answer to Mr. Macdonald, did I gather that you thought that because our committee of the House amended its earlier resolution to permit the experiment in Hartford, that this was congressional intent that the FCC go ahead and decide this question?

Mr. HYDE. No, I did not intend to say that. But I did intend to say that this would seem to be an indication of interest on the part of the committee in taking an additional look in the light of what was developed as a result of the experimental operation.

Mr. HARVEY. The reason I bring that up is that I think we would both be in agreement that the remarks by Chairman Harris would indicate clearly that the committee reserved its jurisdiction in this particular area and they had no intent to turn over to the FCC jurisdiction in this new field. Isn't that correct?

Mr. HYDE. I think he made it very clear that they were giving approval only to an experimental operation.

Mr. HARVEY. So that the only guidance that the committee or the Congress has given the FCC has clearly been that we reserve the deci-