

ducted by RKO General, Inc., and its subsidiary, RKO Phonevision Company, in which Zenith and Teco are participating, is now in its third year of operation under the three-year authorization granted for that trial and has now reached a stage where meaningful data are available for analysis.

In these comments, with the cooperation of RKO, we are making public¹ the empirical knowledge gained during the Hartford subscription trial. Emphasis has been placed upon those factors which have a relationship to the public interest considerations and issues upon which the Commission reserved final decision in its First and Third Reports on subscription television until more operational data and demonstrable facts were available from appropriate trial operations.

II. HISTORY OF THIS PROCEEDING

The present rule making proceedings had their genesis in a petition filed by Zenith on February 25, 1952, as revised by a joint petition filed by Zenith and Teco, Inc. on November 29, 1954. Prior to this, Zenith, pursuant to an FCC authorization, conducted a successful three-month subscription television test with 300 subscribers in Chicago during 1951.²

On February 10, 1955, the Commission issued a notice of proposed rule making (Docket 11279, FCC 55-165) to elicit data and comments on questions of fact, law and public interest raised by the Zenith-Teco petition and subsequent petitions of other proponents of subscription television. As a result, voluminous comments were submitted by members of the television industry, motion picture interests and others, and over 25,000 letters and comments were received by the Commission from various organizations and individuals.

On May 23, 1957, the Commission issued a notice of further proceedings (FCC 57-530) in which it concluded that it has the requisite statutory authority to authorize the use of broadcast frequencies for subscription operations if it should find that it would be in the public interest to do so. It announced, however, that in the absence of a suitable trial demonstration of subscription television, it was unable to determine whether or not an authorization of that kind of television

¹ Most of this information, of course, has been made available to the Commission from time to time during the course of the Hartford operation.

² Full details of the 1951 test have been previously filed with the Commission.