

of conservatism, serves to support a rational conclusion that subscription television could provide the support for additional television stations in approximately the top 100 markets or preserve the service of existing stations in such markets which have for a number of years been, and are now, suffering substantial financial losses. Subscription television thus has the reasonable potential of supporting 91 or more stations, in addition to the 454 stations which operated profitably in 1963. This would increase the present system by at least 20%. Such an increase would, indeed, make a valuable contribution to the development of a nation-wide competitive television system and to the achievement of the Commission's priorities.

Whether subscription television may make an even greater contribution than indicated by the above projections can, of course, only be determined in the market place. But in carrying out its duty and responsibility to develop and encourage new broadcast service to the public, the Commission's determination of what is in the public interest must also take into account and give appropriate weight to broad considerations of future welfare. Such an approach, of necessity, must be predicated upon future estimates as well as present facts, since it is keyed to future goals.²⁶

VIII. THE HARTFORD TRIAL DEMONSTRATES THAT SUBSCRIPTION TELEVISION WOULD NOT IMPAIR THE CAPACITY OF THE PRESENT SYSTEM TO CONTINUE TO PROVIDE ADVERTISING-FINANCED PROGRAMMING.

In comments filed with the Commission in this proceeding prior to the Commission's Third Report and Order, *supra*, Zenith predicted that two factors would preclude subscription television from siphoning audience, television programs, and talent away from conventional television. These are the limited number of available box-office programs, and the budget limitations on the amount of time and money the public would spend on a recreational spectator activity such as subscription television. The existence and the precise scope of these parameters have been more definitively established during the Hartford trial.

A. Audience Siphoning Would Be De Minimis

During the first two years of the Hartford trial, the average subscriber purchased approximately 1 out of an average of 5.7 different program features available weekly, and the average viewing time per

²⁶ See *American Airlines Inc. v. Civil Aeronautics Board*, 192 F.2d 417 (D.C. Cir. 1951).