

scriber homes were watching a particular subscription program at any given time during the entire first two years of the trial. This 5.5% average audience rating again demonstrates the inherent limitation upon the amount of subscription television viewing the public will support.

Projected on a national basis, even if we assume that an average of 5.5% of the viewing subscribers were "siphoned" from the commercial television audience at any given time, such "siphoning" would certainly have a minimal effect. It still would leave 94.5% of the television homes available to watch conventional advertising-sponsored programs. Here again, however, the "siphoning" factor would be limited solely to those television homes (a) which are subscribers, and (b) which would have watched conventional television had the subscription program not been available.

In the final analysis, as the Commission recognized in its decision authorizing the Hartford trial, the nature of subscription programs is such that the viewing thereof "is at least as likely to replace theater-going as conventional television viewing."³¹ As further recognized by the Commission, "Since commercial programs would not be broadcast during subscription hours . . . we can reasonably assume that there would be no adverse effect on existing area stations through direct loss of advertising support."³²

**B. Subscription Television Would Not Pre-Empt
Any Significant Amount of Time Now
Utilized By Advertising Sponsors**

During the first two years of the Hartford trial, 599 different program features were broadcast, embracing 1776 program showings and requiring 3,139 hours of subscription station time. Thus, WHCT devoted an average of 30 hours per week to subscription broadcasts. Some increases in the quantity of subscription programs and hours devoted to subscription broadcasting may be reasonably anticipated if the business is permitted to expand. We believe, however, that the Hartford experience is relatively typical of the amount of subscription programming and the time which will be devoted to subscription broadcasting which can be absorbed by any market, due to the limited number of box-office attractions and the size of the recreational budget.

³¹ Conversely, if box office attractions are viewed at home rather than at the theatre, there is no net loss of audience available to conventional television.

³² *Application of Hartford Phonevision Company*, 20 RR 754, 770-71 (1961).