

have already noted, it is most likely that stations will either be dominantly conventional or dominantly subscription in their programming because of the demands of both types of programming on prime time and the necessity of network affiliates to maintain time clearances and continuity of audience.

7. Whether Restrictions Should Be Placed Upon the Broadcast of Commercials During Subscription Programs.

While the Commission did not place any restrictions upon the broadcast of commercials during subscription programs in its First and Third Reports, RKO committed to carry no commercials on subscription programs during the Hartford trial and has not done so. In our opinion, the Commission should, in any nation-wide authorization of subscription television, specifically restrict the broadcast of commercials during subscription programs. While the major appeal of subscription television programs may be that they are of box-office quality, we believe that an additional appeal involves the absence of commercials. To combine commercials with subscription programs would merely serve to detract from the best that both subscription television and conventional television offer to the public without offering any countervailing benefits. It is not inconceivable that if commercials are prohibited on subscription programs, this will serve as a quality yardstick for sponsors in selecting conventional programming of a quality which could more effectively compete with subscription programming.

8. Whether Subscription Television Should Be Limited to Broadcasting Programs of a Box-Office Nature.

We recognize that it is difficult to precisely define by rule what is or what is not a box-office attraction for subscription purposes with sufficient clarity to cover all situations. Generally defined, a box-office attraction embraces any type of program which is not seen on a regular or frequent basis on conventional television and for which the public would ordinarily pay an admission charge. Since neither of these criteria is necessarily static, it may be undesirable to attempt to classify all types of programming into a rule. However, we request the Commission, in any decision authorizing subscription television on a nation-wide basis, to make clear that it will expect subscription programming to be of a box-office nature rather than duplicative of conventional programming.