

TABLE OF CONTENTS

	<u>Page</u>
I. STATEMENT OF INTEREST	2
II. BACKGROUND	2
A. Procedural History	2
B. The Instant Proceeding	4
III. THE HARTFORD TEST DID NOT PROVIDE THE DATA THE COMMISSION MUST HAVE FOR A PUBLIC INTEREST DETERMINATION IN CON- NECTION WITH A NATIONWIDE PERMANENT PAY-TV AUTHORIZATION	6
A. Pay-TV Programming In Hartford Was Scarcely Competitive with, Let Alone a Beneficial Sup- plement to, the Program Choices Available to the Public on Free TV	8
1. Movies	8
2. Sports	9
3. Other Programs	9
4. The Contrast With Free Television	9
5. The Proponents Recognize that the Programming Left Much To Be Desired and Excuses Are the Order of the Day	11
B. Market Penetration Was Virtually Non-Existent. Pay-TV Did Not Attract Subscribers in Hartford.	15
1. The Statistics of Failure Are Not a Rational Basis for Estimating the Audience of a Successful System and Its Impact on Free TV	17
2. The Disconnect Rate Indicated Public Dissatisfaction	19
C. Pay-TV Excludes the Lowest Income Levels — 30% of the Population	20
IV. THE PROPONENTS MEASURE THE ALLEGED BENEFITS OF PAY-TV ON THE BASIS OF PROJECTIONS WHICH ASSUME A SUCCESSFUL SYSTEM. ITS IMPACT ON FREE TV, HOWEVER, IS MEASURED IN TERMS OF THE HARTFORD FAILURE	21