

We turn first to the programming that was offered in Hartford, programming which the proponents have characterized as proving that Pay-TV will provide a "beneficial supplement" to the program choices now available to the public on free television, a characterization which the Commission (par. 12) appears to have accepted without regard to the facts.

A. Pay-TV Programming In Hartford Was Scarcely Competitive with, Let Alone a Beneficial Supplement to, the Program Choices Available to the Public on Free TV

The Hartford test was authorized by the Commission on the representation that:

The subscription programs which the applicants propose to broadcast will be limited to box office attractions, *i.e.*, those programs which are not regularly available to the public without the payment of a fee. In this category are current releases of motion picture film, legitimate [sic] theater plays, operatic performances, educational programs and sports events for which fees are being charged as a condition to witness a performance.⁸

If this was meant to suggest movies, then the proponents complied with their representations.

1. Movies

During the first two years of the test, proponents presented 432 motion picture films, 414 of which were domestic and 18 foreign. These films represented 86.5% of the total pay television programming. During this entire two-year period, however, proponents presented only one

⁸ Exhibits submitted by Hartford Phonevision Company, RKO General, Inc., Zenith Radio Corporation and Teco, Inc. in connection with the application of Hartford Phonevision for authority to conduct subscription television operations over Station WHCT, Hartford, Connecticut (hereinafter referred to as Application Exhibits), Exh. 8, p. 1.