

1. Our proposals have inherent irremovable uncertainties until the requisite governmental authorization is obtained.

2. In view of the uncertainties, and until they have been cured, an agreement to furnish specific product on specific dates under specific conditions cannot be made sufficiently definite and precise to constitute a firm commitment.

3. Arrangements between the distributors and producers and their respective independent contractors and joint venturers that may be prerequisites to commitments to the applicant are not feasible to undertake until the present uncertainties have been removed.

4. There seemed to be a natural unwillingness to upset or confuse existing business relationships so long as a public decision or position with respect to the tests could be postponed.

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On the basis of its investigation of motion picture box-office product and the fact that motion picture product has been made available to every subscription experiment to date, the applicant has concluded that there is sufficient promise of a supply for the tests here proposed to justify proceeding to the point where the present disadvantageous uncertainties have been eliminated and where firm commitments can reasonably be expected or demanded.

The lack of Broadway plays and other special programs is excused as follows (pp. 15-16):

During the first year RKO experienced some difficulty in securing the cooperation of producers, writers and talent in connection with obtaining special entertainment productions primarily because of their ignorance of the purpose of the Hartford trial. However, during the second year, RKO was able to obtain better cooperation because of the steadily increasing subscription audience, the greater knowledge concerning subscription television brought about by the subscription operation in Hartford, and the realization by producers and talent that the type of subscription television programs produced for the Hartford trial could be of great value in the future.