

A. There is No Evidence from Which to Conclude that Pay-TV would Facilitate the Growth of New Television Stations

1. The Recent Growth In The Number Of UHF Stations And Applications Suggests That The UHF Problem Was More A Lack Of Receivers Than Programming

Before attempting to sustain the assertion relative to the benefits that will flow from Pay-TV, Zenith stops to review the allocation data to establish the need for a further expansion of the number of television services. In this context it is appropriate to compare the allocation data supplied by the proponents as of January 1, 1964, with comparable current allocation data. Thus, the proponents stated (p. 23):

The Commission, as of January 1, 1964, has allocated 1,942 commercial UHF and VHF television channels and 346 educational UHF and VHF channels to 1,206 communities. As of January 1, 1964, there were 564 commercial television stations in operation in 271 markets (476 VHF and 88 UHF). As of the same date there were 30 VHF and 61 UHF construction permits in the hands of permittees. There were also 85 educational stations on the air and an additional 28 education construction permits outstanding.

As of January, 1966, the Commission had allocated 1,756 VHF and UHF channels to 792 cities. Of this total, 615 are reserved for educational use (107 VHF and 508 UHF channels) and 1,141 are unreserved (551 VHF and 590 UHF) channels.²⁶ There are now some 230 metropolitan markets.²⁷ As of September 29, 1966, there were 605 commercial television stations (490 VHF and 115 UHF) in operation; 28 VHF and 139 UHF construction permits (not on the air) outstanding; and 124 educational stations in operation and 34 educational construction permits outstanding.²⁸ As of July 31, 1966, there were applications pending for 95 channels (4 VHF and 91 UHF).

²⁶ Fifth Report and Memorandum Opinion and Order, FCC 66-137, 2 FCC 2d 527, 551 (adopted February 9, 1966).

²⁷ 1966 Television Factbook, pp. 38-a-43-a.

²⁸ Television Digest, October 3, 1966, Addenda to Television Factbook.