

This is indeed a strange view of the Commission's responsibilities: to allow the abuses first to occur and then to seek from Congress methods by which to correct them. It is even stranger yet to hear the Commission, on the one hand, earnestly urging that with regard to CATV it is seeking to fashion rules to protect the public *before* CATV becomes "entrenched,"³³ while, at the same time, virtually ignoring the vastly more serious dangers of pay television "entrenchment" by vaguely asserting that at some later time (after it has allowed pay television to be permanently authorized) it may seek some guidance from Congress on such a vital matter. One of the problems which the Commission has always faced is the fact that events move so quickly, and interests vest so rapidly, that the Commission is often swept ahead by technological and other changes, rather than controlling or regulating them properly or effectively. It is disheartening to see the Commission so forcefully pushed by the desire of pay television gadgeteers for profit as to allow permanent pay television to be foisted upon the American public without appropriate statutory amendments necessary to protect the public from gouging. It is particularly inappropriate for the Commission to do so in the face of the clear Congressional intent, as indicated by the House Interstate and Foreign Commerce Committee, that the ultimate decision to authorize extended or permanent pay television operations must rest with Congress and not with the Commission.

Congressional developments during the intervening years have clearly indicated Congressional concern with the possibility that the free television system would be supplanted by pay television. As noted above (footnote 3, *supra*), numerous bills have been introduced into the Congress which would prohibit pay television. Moreover, the House Interstate and Foreign Commerce Committee has made quite clear its belief that the Commission has no statutory authority under the present Act.

³³ See particularly Second Report in Docket 14895 *et. al.*, at Pars. 28-46, 2 FCC at 737-745.