

Both the House and the Senate Interstate and Foreign Commerce Committees vigorously attacked the Commission's conclusion in the First Report that it had such authority.³⁴ The House Committee only acquiesced in the Hartford trial to be held pursuant to the First and Third Reports because of the limited and experimental nature of the proposed trials. Chairman Harris made it quite clear, however, that the Committee's acquiescence did *not* indicate a belief that the Commission should authorize pay television on a permanent basis without first obtaining Congressional guidance in the form of statutory amendments.

Moreover, public concern has always been evident. It might conceivably be argued that if a groundswell of public opinion or demand was present seeking the prompt institution of a pay television system, the Commission might be obligated to act even in the absence of a clear Congressional mandate, and despite the fact that the Communications Act gives no clear guidelines. Thus, for example, in the case of CATV systems, the Commission has been confronted with an industry which, as a result of public demand for increased television service in areas which cannot receive adequate signals, has been burgeoning at such a rapid rate that it threatened to distort or destroy the Commission's carefully considered nationwide television allocation plan. Under these circumstances the Commission recently indicated that it intended to take jurisdiction of off-the-air CATV systems even in the absence of a clear Congressional mandate, and even where the Commission once

³⁴ See Second Report, 16 R.R. at 1539-1540. Thus, on February 28, 1958, the Senate Interstate and Foreign Commerce Committee voted to recommend the adoption by the Senate of the following resolution:

Resolved, that it is the sense of the Senate that the Federal Communications Commission should not, without specific authorization by law, authorize or permit any television licensee or agent thereof to impose a toll, fee, subscription or other charge on the general public or any portion thereof, for the privilege of viewing television programs received over television receivers located in the home, with the exception of both community antenna systems and those programs transmitted by cable or wire or both.