

refused to take such action without Congressional guidance.³⁵ It is clear, however, that there is no such public demand or pressure evident in the case of pay television. It can hardly be contended that the public has been besieging the Commission (or any other regulatory agency or public authority) with demands that a permanent pay television system is either necessary or appropriate. Indeed, in California, as the Commission is aware, the public voted down by a decisive margin the institution of a wired pay television system in the only statewide referendum ever held on this question. Similarly, it is significant that only *one* test of a pay television system pursuant to the First and Third Reports has been conducted. It is at least reasonable to assume that if a real demand for such a service were evident, it would be reflected in requests by prospective pay TV proponents for authority to conduct experimental operations. Nor has it been demonstrated that the public of Hartford has demanded the service. Although RKO artificially limited the Hartford test to 5,000 subscribers and alleged that there is a "backlog" of demand, nevertheless, neither they nor any other proponent of pay television has indicated the extent of such a demand or has demonstrated the existence of public clamor for a pay television system. The information supplied by Telemeter concerning its Canadian experiments corroborates the fact that, far from demanding a pay television service, the residents of Etobicoke and Mimico actually rejected it. In these communities, the number of wired, pay television subscribers actually declined more than 50% during the five-year test from an initial high of 5,500 to 2,500 *even after Telemeter expanded its potential service area from 12,000 to 14,000* (see Telemeter Comments, pp. 7-9). There were, no doubt, many reasons for the decline in demand for the Telemeter service. Whatever the reason, the Canadian experience

³⁵ See, e.g., Notice of Inquiry and Proposed Rule-Making in Docket No. 15971, 30 Fed. Reg. 6078. Even here, however, the Commission requested Congressional guidance and Congressional clarification of its authority to act. *Id.* at 6082-83, par. 31.