

PROPOSED RULE

No pay TV authorization shall be granted except upon the affirmative showing that the applicant has obtained at least 2,000 subscriber contracts. Only contracts under which the subscriber has agreed to pay the regular prescribed charges will be considered in ascertaining compliance with this rule.

D. Pay-TV Must Be Limited to Preclude Siphoning of Programs and Talent

Underlying proponents' definition of "box-office" is the implication that Pay-TV programming will consist of programs not available to free television. For example, in the area of sport events proponents state:

... subscription television's major contribution to sports fans will be the making available of those events such as heavyweight championship boxing matches, home professional football and baseball games and the vast number of college football games which are kept off conventional television by the owners thereof because of fear of the drastic effect conventional television may have upon box-office attendance.
(*Joint Comments*, p. 46.)

As previously set forth, *supra*, the conditions under which the Hartford test was conducted, rendered impossible the formulation of meaningful conclusions pertaining to its impact on free TV. Nationwide Pay-TV, through the inducement of greater profits, may well siphon-off programs and talent now available on or to free television. Illustrative of this point is the disappearance from local free television of the games of certain major league baseball teams in California.