

Sports are particularly vulnerable. The Kentucky Derby, the World Series and the weekly professional football games all attract mass audiences. That these events appear on free television today lends no assurance that they will continue to be available in the absence of regulation.

The rules proposed are calculated to restrict Pay-TV from siphoning program material which historically has been available on free television. Such purpose accords with both the Commission's goal and proponents' representations that Pay-TV first and foremost is a supplemental service to the existing television structure.

Sports events are reasonably identifiable and, consequently, a rule can be written which is capable of being enforced. With respect to sports events, Pay-TV licensees should be prohibited from charging a fee for events which were regularly televised into the market via free television within 5 years from the last date on free television. This 5-year period is intended both as a deterrent to the siphoning of sports programs from free TV and to afford free TV an opportunity to adjust to the demise of the program. Such a rule, for example, in the Washington, D. C. area, would proscribe from Pay-TV the World Series, the Kentucky Derby, the National Football League and American Football League games of the week, Washington Senator baseball games, Washington Redskins regular season "away" games, Atlantic Coast Conference basketball games, National Association basketball games, American League and National League baseball games of the week, specific golf and tennis tournaments, specific professional and college pre-season and post-season football games. Sports events which could be carried would include Washington Redskins "home" football games, games of any professional or college team not formerly carried in Washington on a regular basis, and boxing bouts including championship boxing bouts since boxing has not been carried on a regular basis.