

limit that power in regard to pay television operations, it would have specifically done so. By this strained interpretation, the Commission concluded that it had been given the authority to regulate an industry never conceived of at the time of the drafting of the statute.

8. The statutory provisions relied upon by the Commission, however (Sections 301 and 303), do *not* support the Commission's interpretation of its power and authority. Section 301 of the Act merely states the general purposes which the Act was drafted to effectuate. This broad statement does not *grant* the Commission any power.

9. The general powers of the Commission are stated in Section 303. Thus, Section 303(b) gives the Commission power to prescribe the nature of the service to be rendered by each station. Section 303(c) allows the Commission to assign frequencies to various classes of stations and to designate the power and the time which they may operate. Section 303(d) allows the Commission to determine the location of the different stations; Section 303(e) allows regulation of the apparatus to be used; and 303(f) grants the Commission power to make such regulations as are necessary to prevent electrical interference between stations and to carry out the provisions of the Act. The balance of Section 303 covers miscellaneous rules to insure the proper technical operation of all stations. None of these provisions even remotely indicate that the Commission has authority to authorize a permanent pay television system.

10. The only part of Section 303 which gives any support to the interpretation adopted by the Commission in the First Report is Section 303(g) which empowers the Commission to study new uses for radio and to provide for experimental uses for frequencies, and generally to encourage the larger and more effective use of radio in the