

free television system does not arise from a limited system of tests. It arises precisely because such testing is fruitless and futile. The dangers of pay television will not be apparent until the system is extensive enough to accomplish the very things feared. At this point, the existence of an extensive and expensive pay television operation will present the Commission with a *fait accompli*. Section 303(g) of the present Communications Act, as the Court noted in *Connecticut Committee*, expressly confers jurisdiction on the Commission to authorize "experiments." There is no provision, however, in the Act which would authorize the Commission to permanently authorize a system so radically different in nature from the present American free broadcasting system, and with such a potentially destructive effect on that system.

15. The concept of a pay television operation and the introduction of a direct financial relationship between the individual listener and the station is more than a mere change in the broadcasting art. It introduces a major change in the entire concept of broadcasting and must necessarily introduce a major change in the regulatory scheme which surrounds the broadcasting industry. If rates are to be charged the public for the privilege of using public facilities, the question arises as to whether and how these rates must be regulated. Moreover, the Committee itself recognized that novel conditions, the like of which have never heretofore been imposed on any television station, must now be placed upon pay television stations if the free service is to be protected. Yet, the present Act does not provide the Commission with authority to regulate broadcasting rates. Moreover, if rates are to be regulated, it would mean that the Commission must assess such things as cost of operation, cost of equipment and cost of