

Various parties in the instant proceeding have pointed to the many reasons why the Commission should not act without specific Congressional direction. Among these reasons are the following:

(1) pay television represents a basic modification of the American system of broadcasting — a modification which should originate with Congress and not the Commission; (2) the jurisdiction of the Commission is, at the very least, questionable and should not be assumed without further Congressional action; (3) the Commerce Committees of both Houses of Congress have forcefully expressed their views either questioning the Commission's jurisdiction, or emphatically stating that such operations should not be authorized by the Commission without further specific authorization by law; (4) amendments to the Communications Act will unquestionably be required if pay television is to exist as a permanent medium; the Commission should not wait until after establishment to seek or obtain necessary changes in the law; proper control and regulation of pay television should be implemented before events and vesting interests render it difficult or impossible for proper regulations to take effect; (5) there has been no evidence of public demand or need for the implementation of permanent pay television which would warrant the establishment of permanent pay television in such haste as to preclude the necessity of awaiting Congressional implementation; and (6) it would be a total abdication of responsibility for the Commission to permit licensees to charge for the use of public airways in the face of the very real possibility that the Commission has no statutory authority to regulate rates. Petitioners submit that any one of these reasons is sufficient to withhold Commission authorization pending Congressional action.