20. The Committee urges that the Commission should not await Congressional guidance because it is the Commission's "present duty" to establish pay television if it can be found to be in the public interest, such action being required by Section 303(g) of the Act which requires the Commission to encourage "the larger and more effective use of radio in the public interest." (Report, Par. 9) Yet, the Committee's assertion merely begs the question, for it does not indicate *why* it believes that the institution of such a basic modification in the American broadcasting scheme (a modification which, it should be noted, the Committee itself recognizes has a potentially catastrophic effect upon the free service)[10] *must* be instituted before Congress has expressed its views legislatively on the question, and in the absence of a statutory scheme adequate to regulate a pay television system.

21. The Committee certainly does not, and could not, point to any demonstration of public demand seeking the prompt institution of a pay television system. Had such a ground swell of public opinion or demand been present, the Committee could conceivably urge that the Commission must act even in the absence of a clear Congressional mandate, and despite the fact that the Communications Act gives no clear guidelines. In the case of CATV systems, for example, the Commission was confronted with an industry which, as a result of public demand, had been growing at such a rapid rate that it threatened to distort or destroy the Commission's carefully considered television allocation plan. Under these extreme circumstances, the Commission

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[10] The Committee's explicit recognition of this fact is demonstrated by the conditions which it imposed.