

regulation is not necessary because: "The public is free to subscribe or not to subscribe to STV services." (Par. 222 ) The contention, however, is untenable. Obviously, the same could be said about any public utility: the public is free to subscribe or not to subscribe for phone service; it is free to obtain or not to obtain gas or electricity; it is perfectly free not to send a wire by telegraph or cable; it is free to refuse to travel by airplane, railroad or bus. Yet, these facts have not resulted in an absence of regulation over telephone costs, gas and electric services, telegraph and cable fees, and transportation rates. The fact that the public might ignore a service which is licensed by the government has never commended itself as a reason to refuse government regulation of the rates to be charged the public. Indeed, the Committee's argument sounds suspiciously like Anatole France's famous comment:

The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the stores and to steal bread.

28. The Committee urges that rate regulation is unnecessary since: "We believe that the market place will regulate charges that are paid and that if they are excessive, the operations will not succeed." (Par. 222 ) Yet, it can fairly be asked: "What market place?" The conditions which the Committee, itself, recommends as governing permanent pay television for the immediate future limit pay television to *only one station* in each city with five television allocations. There is certainly no guarantee that this condition will be changed or liberalized to allow more than one in each city. The Committee has no right to *assume* that the limitation which it proposes will become unnecessary; in all probability such a condition will always be necessary so as to render the free service at least the minimal protection which even the Committee recognizes is necessary in the public interest.