

judgments as to "reasonableness" in a vacuum without appropriate standards which have not yet begun to be formulated.

31. The simple fact which distinguishes pay television from other traditional entertainment media making direct charges to the public is that the other media do not use scarce public facilities (the airwaves) to make their profit, nor do they deprive the public of what the public could once enjoy free. It is only the pay TV proponents which desire a free and unregulated ride at public expense.

IV. The Detriments to the Public From a Permanent Pay Television System Clearly Outweigh Any Minimal Benefits Which May Be Derived

32. The Committee's recommendation to move upon the uncharted sea of permanent pay television is even more seriously impaired when the reasons for its recommendation are considered. For it is obvious that the Committee has lost sight of the nature of the judgment which the Commission must render before it can authorize pay television on a permanent basis. That judgment is whether there are any benefits to be gained by the public by the authorization of the service and, if so, whether the benefits clearly outweigh the detriments. And the record makes it painfully obvious that the benefits to the public are minimal at best, while the detriments are substantial and potentially catastrophic.

A. The Alleged Benefits.

33. It is clear, of course, that the promises and siren-songs of the pay television proponents have been demonstrably proven false. Pay television was first portrayed to the American public as a means