

by which television programming fare would allegedly be diversified and improved through the presentation of high quality, minority-type programming which was allegedly unavailable over the free system. Thus, as the Commission noted in its First Report (Par. 48),¹⁶ pay TV proponents promised that the system:

. . . could and would provide a wider choice of members of the public interested in the fine arts, operas, educational and informational material and other similar kinds of programs.

The proponents of the Hartford test promised to present significant amounts of such high-quality minority-type programming¹⁷ and the Court of Appeals, in approving the Commission's authorization of the test, noted that:¹⁸

It seems to us imperative that the licensee be held to adhere faithfully to the *high standard of programming* which it has promised.

The Committee has candidly recognized, however, that pay television will not, in fact, yield these benefits which were its original *raison d'etre*. The Committee recognized what the opponents of pay television have continually pointed out — that pay television will not, in any way, offer additional cultural and high-quality diversified minority-type programming, but would program for the mass audience. The Committee has now recognized that whatever hopes may have been

¹⁶ 16 R.R. at 1521.

¹⁷ See Exhibits submitted with the application of Hartford Phonovision, Exh. 8, p. 1.

¹⁸ 301 F.2d at 838; emphasis added.