

held out for such programming can no longer be realistically entertained (see Report, Pars 54-57). The Committee has rejected as the basis for its recommendation the requirement that such programming be forthcoming. It does not now even urge that any such benefits would accrue to the public.

34. The sole benefits which the Committee has been able to discern are that pay television (1) can bring to the public some motion picture films somewhat more quickly than these films would be shown on free TV, and (2) can present certain sports events such as heavyweight championship bouts and other sports programs which are now, for one reason or another, "blackened out" on free TV.

35. With respect to films, the Committee does not even urge that the films to be presented are first-run features. It holds that even the presentation of films from *six months to two years old* would be a sufficient justification to authorize a permanent pay television service (Report, Par. 53), despite the fact that free television now presents a plethora of motion picture films, some of which are less than two years old, and despite the fact that the average age of movies presented on the free system has steadily been lowered during the past five years. And with respect to sports, the Committee acknowledges that the occasional spectacular sports event such as championship boxing is rare and unusual (Par. 107).

B. The Substantial Detriments.

36. Having thus pared down the high touted "benefits" to a realistic bare minimum, the Committee was then required to assess these benefits against the detriments which its own Report revealed, and particularly to determine (a) whether the presentation of such