

50. The Committee, itself, recognizes explicitly in its Report the absolute necessity of protecting the free service. Thus, the Committee noted with approval (Par. 77) the Commission's statement in its Further Notice that:

We also emphasize that we regard the preservation of conventional television service and the continued availability of good program material to the free service as extremely important considerations. . . .

And the Committee noted (Par. 147) that it would be a breach of faith with the public who have invested millions of dollars on television equipment on the expectation of receiving abundant free television programming to suddenly find such programming denied to them because it was shifted to a pay television system.

51. As a further indication of its concern, the Committee recommended the adoption of novel and unique conditions limiting the types of programs which could be shown on the pay TV service (*i.e.*, that pay TV movies cannot be more than two years old in general release), and further prohibiting the presentation of programs which, during the preceding two years, had been seen on the free service.

52. But if the Committee's speculations as to impact are erroneous, and if the conditions which it imposes are ineffective to protect the free service, then the free service would be rendered a blow from which it might never recover. In addition, with the investment of substantial funds by pay television proponents and the public, the Commission would be faced with a *fait accompli*, and it would be difficult, if not impossible, to unscramble the egg. Can the Commission truly believe that it has sufficient data upon which it can make reasonable judgments regarding future impact based upon the smidgins