

of statistical data which it gleaned from the Hartford test, some of which the Committee itself recognizes is unreliable as a gauge for the future? Is it not more rational to conclude that until more probative and responsible data is collected, the Commission should not move into such a dangerous and potentially destructive area?

**V. The Hartford Test Demonstrates That
Authorization of Permanent Pay TV
Would Improperly Discriminate Against
the Poor**

53. There is one area, Petitioners submit, in which the Hartford test yields some meaningful data. A breakdown of the subscribers demonstrates that virtually no persons in the income level 0 - \$3,999 (an income level which represents almost one-third of all families in the United States) were able to subscribe to the test. Based upon these statistics, there can be no question that the authorization of a pay TV system would systematically deprive 30% of the nation of the free use of public frequencies, which would instead be turned over to the pay television proponents to be used for the benefit of wealthier American citizens. In effect, the Commission would be systematically discriminating against the lower income level families, and depriving them of the ability to use what heretofore have been recognized as broadcast frequencies available free to all parts of the population, regardless of income.

54. This systematic discrimination against one-third of a nation appears not to bother the Committee; the manner in which they treat this fact is one of the most startling aspects of their Report. Thus, the Committee blithely ignores the fact that the precise distinguishing feature of the American broadcasting system since its