

the impact of an individual system upon the existing local TV stations in its community. The determination to hold such hearings was made at a point when the Commission had before it far more statistical evidence of the effect of the CATV upon TV stations than the Commission now has with regard to the effect of pay TV on free TV. It is distressing that the Committee is so certain of the absence of adverse impact that it refuses to take this realistic and practical approach.

63. In sum, petitioners do not believe that the Commission has the authority to authorize permanent pay TV under the existing statutory scheme. But even if the Commission decides otherwise, and even if it attempts to enter the field without appropriate legislative guidance, nevertheless, the Commission today has as little meaningful data upon which to determine the impact of pay TV on the economy and on free TV as it did when the subject first arose more than ten years ago. The Hartford test did not yield such information. The experience in Hartford does not provide a basis for the conclusions which the Commission is attempting to draw. At this stage the Commission should, at most, permit pay TV to continue in a limited test context in the hope that the ensuing years will produce the necessary data.

Under all of these circumstances it is submitted that the Committee's recommended Report should not be adopted.

Respectfully submitted,

JOINT COMMITTEE AGAINST TOLL TV
NATIONAL ASSOCIATION OF THEATRE
OWNERS

By _____
Marcus Cohn

By _____
Martin Gaynes

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