

ter competition will become more acute as program material becomes in even more short supply.

Third, if subscription television is a competitor of over-the-air free services, will its entry into the national television distribution system be accompanied by appropriate regulatory safeguards?

If subscription television is to compete with existing over-the-air broadcast services, then it should compete with them as an integral part of the national television distribution system; that is, it should be subject to the same FCC rules, regulations, and policies to which the existing stations are subject.

The impartial imposition of these rules, regulations, and policies is not required solely by the dictates of fair competition; it is the only means by which subscription television can be truly tested with respect to public demand and economic viability.

Spokesmen for subscription television interests assert that their systems can make an important contribution to the total television service available to the public; that it can supplement and enhance service by providing programing not available through regular television facilities. This assertion can be put to the test only if subscription television is authorized to operate under the same regulatory conditions as existent television facilities.

Thus, if subscription television is proposed for a particular market, let the system demonstrate to the FCC, as television broadcasters are now required, in their applications for construction permits, renewal applications, and applications for assignment of licenses, how it proposes to serve unmet programing needs and interests in that market.

Let the subscription system demonstrate exactly what programing is not being provided the community and how it intends to fill this void. Once these representations are made to the FCC by the system, the subscription system, if it is authorized, should be held accountable to the FCC for failure to provide service in accordance with its representations.

A consistent issue before the FCC has been whether or not more than one subscription service should be authorized in any given market. Again, were the FCC to apply its existing television rules, regulations, and policies, the matter could be easily and practically resolved. If two systems are proposed for a market, let those seeking the authorization demonstrate to the FCC, as broadcasters are now required to demonstrate, that the market can support more than one system or in a comparative hearing afford them the opportunity to show the FCC which system will serve better the public interest.

By using its existing rules and regulations, the Commission can also deal effectively with the problem of program "siphoning" which has been a matter of sharp discussion. Subscription television systems should be licensed by the FCC just as television stations are now. The programing representations which they make to the commission to justify their authorization can be made conditions of their license. Then, if a subscription television system fails to adhere to its programing representations and commences to "siphon" programing to an unconscionable degree, the Commission can act to revoke or fail to renew the license.

The proponents of subscription television contend that it has a valuable contribution to make to the national television system. Opponents