nically feasible for 17 years! The first Federal Communications Commission action the subject took place in 1955 with the issuance of a proposed Rules Making, which invited comments to help it decide if it would be in the public interest to transmit programs paid for on a subscription basis. By 1957, these comments had been received and evaluated, but the F.C.C. stated that no applications could be filed until after adjournment of the 85th Congress, in order to give the legislators an opportunity to consider the matter.

This delay on behalf of Congress lasted until 1959, when the Commission said it would accept applications. By 1962, three applications had been filed. Two were granted, one of which was relinquished, and only the Zenith-Teco-RKO team carried on. The experiment ran for three years on station W.H.C.T. in Hartford, Conn., and on the basis of this experiment, Zenith and Teco applied for a nationwide license in 1965. Based on this data, the Commission issued a further notice of proposed rules-making and again invited comments from interested parties.

Now, after an interminable preamble of hearings, tests, and allowance of time for Congressional action, the F.C.C. has issued a proposal to allow nationwide pay television. Further comments are invited until September 15th, as the opponents make a last stand at preventing a new industry from being born.

Doesn't it sound to you as if the matter has had a thorough and lengthy-enough discussion?

The Federal Communications Commission, like any government agency, is obviously not going to let this infant industry establish itself in the marketplace under free competitive conditions. Rather, the Commission has severely limited its potential, which is seemingly the main object of the set of rules we will now discuss and comment on.

First of all, no commercials are to be allowed on pay television, which is only to be expected. . . .It will be allowed only in large cities which have five licensed stations. This rule is intended to make sure that ample so-called free television is still available.

An ultra-high frequency or very-high frequency station carrying pay television in such a five-station market is not limited as to the amount of subscription time it may broadcast; but not more than 90% of is programming shall be utilized for feature films and sports events. This rule is intended to insure that pay television will create other types of programming not now generally available such as plays, opera, ballets, and the like.

Only one pay television authorization will be granted per community, but the permittee may use any technically-qualified unscrambling system.

All decoders must be leased to protect the consumer from early obsolescence; and all charges, conditions, and terms must be applied uniformly. Any organization receiving a permit must prove it has the financial capability to maintain operations for at least one year.

These generally mundane rules seem quite sensible from the point of view of protecting the public with guarantees that it will receive adequate service, reception, and continuity of operation. But in its rules as to programming, the F.C.C. ranges far afield in its efforts to protect the "sacred cow", free television.

Let's consider the progamming rules. As to feature films, a pay television station can show only films within two years of the date of their release to the theatres. Supposedly, this is to protect the consumer from paying to watch an old film. But is this necessary? Certainly an individual is not going to pay to watch a film he can see for free. But even then, many people might consider it with 50¢ to see an old film without the endless commercials. Why shouldn't we have the option of paying not to have commercials?

In the field of sports, the regulations really get complicated. Again the period is two years, and no event can be shown on pay television which has been available for free in the last two years. This will insure that events like the World Series, basketball, football, and golf can still be seen on so-called free television. About the only new programs available will be big championship fights, which heretofore have been pre-empted by pay television in the theatres; also those home baseball and football games which have been "blacked out." It is believed that this ruling raises some very touchy legal questions. If organized baseball owns the World Series, and pay television can afford to pay a higher price than commercial television, has the Federal Communications Commission the legal authority to deprive the owner of selling his property at the best price available? Why didn't the F.C.C. ban theatres from monopolizing prize fights at $10 a person? The one ruling would be just as logical as the other.