

aware of Home Box Office's use of the Yankee games for pay-cable distribution say the present applicable rule is "ambiguous." They also note that the kind of question is one being dealt with in the present pay-cable rulemaking. Accordingly, a staffer said the commission is still considering how to respond to Mr. Walbridge's letter.

Cable bites back on logging issue

NCTA complains that log-keeping requirements would serve no purpose

Cable operators have berated a proposal to require logging by cable systems as a veiled attempt to institute exclusivity surveillance procedures that the FCC has already rejected.

The proposal, offered in a rulemaking petition by the Rocky Mountain Broadcasters Association last month, would require systems to keep logs of all signals carried and of programs carried and deleted on those signals. In addition, systems would have to submit to the FCC composite week logs, and the commission would be empowered to fine recalcitrant operators.

But there is no need for such a requirement, the National Cable Television Association said in comments to the FCC because it already requires systems in the top-100 markets to record distant signal carriage started after March 31, 1972. And, the NCTA grumbled, much to its displeasure, the commission is presently considering a rulemaking that would remove that grandfather clause, thus requiring all distant signals imported into major markets to be logged. "All that is missing," the association said, "is RMBA's request for logging of local stations, for which no rationale whatsoever is even suggested."

"The only plausible reason for logging of programs carried and deleted on distant signals would be to provide a record of CATV system compliance with the program exclusivity rules," NCTA said, and that requirement was rejected by the commission in 1972.

One cable system, the Arizona Cable Television Association, suggested that broadcasters concerned about exclusivity should do the logging themselves. "If logs of compliance with the exclusivity rules are to be kept, the burden should be borne by those benefited—the broadcaster—not the cable system." Logging would not insure compliance anyway, it said, noting, in a twist of the broadcaster's tail, that stations involved in commercial "clipping" do not log their violations.

Scrambler tested in Bahamas

A new scrambling device for both broadcast and cable pay TV that is said to be no larger than a cigarette lighter and susceptible to mass production at an "amazingly" low cost reportedly is being tested in Freeport, Bahamas, in a tethered-balloon communications system de-

veloped by TCOM Corp., subsidiary of Westinghouse Electric. The scrambler and companion unscrambler are said to have been developed by Goldmark Communications Corp., with the scrambler including automatic gain control circuits to overcome signal fading. The device is said to be intended primarily for use in pay cable—Goldmark's parent, Warner Communications, is one of the largest cable entities—and to have become involved in TCOM off-air tests at TCOM's request. Sources said signals from Freeport TV stations are picked up off-air in a TCOM balloon tethered at a 10,000-foot altitude, fed through scrambler there and rebroadcast to the islands, where unscramblers have been installed in a number of homes. The Bahamian government is said to be cooperating in the project.

Connecticut and FCC won't get into ring over pay cablecasting

A state-supported court challenge of the FCC's pre-emption of regulatory authority over pay cablecasting was averted last week when the Connecticut legislature narrowly failed to override Governor Thomas Meskill's veto of an anti-pay-cable bill (BROADCASTING, May 22).

A move to overrule the governor on the pay measure, which essentially would have prohibited cable operators from making per-program charges for any particular offering, passed the House by

a vote of 115 to 26; only 101 votes were required. In the Senate, however, the measure failed to attain the necessary 24 votes. The tally was 19 votes to override and 16 opposed. When the bill went before the Senate originally, it passed unanimously by a consent vote.

Last week's development was a victory for the Connecticut Cable Television Association, which waged an extensive lobbying effort culminating in 12 of the group's 14 member systems walking the halls of the Hartford state house the day the vote was taken (Monday, June 17). "Our members did a lot of yeoman work out in the field," said association President Matthew T. Jenetopulos. "We made an all out effort to educate as many legislators as we could to the fact that this area had been pre-empted by the federal government," he said. But, Mr. Jenetopulos added, had the legislature been successful in negating the Meskill veto, the issue would have ultimately been resolved by the judiciary. "We were ready to go to court," he said.

Such a challenge would have had national implications. Governor Meskill had vetoed the bill on the grounds that a state move to assert authority over pay cable would be unconstitutional because the FCC has already stated that its jurisdiction in this area is all-inclusive. Connecticut is the first state to mount a serious challenge of that decree. In addition, the National Association of Theater Owners, which is hankering for a court test of the FCC policy, was active in urging the legislature to adopt

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