

Closed Circuit®

Prospects on pay. As FCC prepares to hear some 100 participants in pay cable oral argument this week (see page 26), odds favor commission's relaxation of rules that were adopted to protect broadcasters against loss of programing to pay cable operators. However, despite massive lobbying effort on part of cable industry — commissioners say cable operators and their allies in motion-picture industry have out-lobbied broadcasters 10 to 1 — fears of broadcasters and hopes of cable operators that commission will suspend pay cable rules for trial period, as National Cable Television Association has requested, seem unlikely to be realized. Even Commissioner Glen O. Robinson, who has made no secret of his distaste for rules, does not see that happening.

Some broadcast representatives are concerned, however, that commission might be persuaded to leave at two years length of time in which sports event would have to be off television before it could be picked up by pay cable. (Suggestion has been to extend period to five years, as in on-air pay television.) But some seem resigned to softening rules as they apply to movies, particularly old ones. At least one commissioner is said to have suggested amending rule that limits pay cable to showing of 10-year-old or older movies once each month to permit showing 8-year-old or older movies at rate of two per month.

Songs and dances. Current prime-time season has been first without musical-variety entry at NBC-TV, but network will resume musical habit with this week's announcement of two one-hour variety shows replacing *Sierra*, already announced for cancellation in 8-9 p.m. NYT Thursday position, and *Born Free*, to be removed from 8-9 p.m. NYT Mondays.

Mac Davis Show, NBC's medium-rated summer program featuring country-pop singer, takes over for poorly faring *Sierra* series by mid-December. (Network will hang on to *Ironside*, immediately following, in hopes variety hour in Flip Wilson's old slot will perk up detective's ratings.) *Smothers Brothers Show* will bump *Born Free* in January.

MDS delivery of pay TV. It's now possible to receive pay cable service without being connected to cable system — at least for residents of several apartment complexes in Queens, N.Y. Home Box Office Inc., which just started offering its pay programing in Manhattan (see page 29), is experimenting with Multipoint Distribution Service to relay pay features to selected locations across East River. MDS receiver dishes have been placed atop apartment buildings, and residents may purchase programing if they so choose. Idea appears to be catching on; HBO plans to expand test to Philadelphia market. It already uses MDS to relay its shows from that city to subscribers in Wilmington, Del.

Ford in some futures. Word is that President Ford will put his own appointees on independent agencies as vacancies occur. That could mean disappointment to FCC Commissioner Abbott Washburn, Republican appointed by President Nixon last May to term ending next June 30, with re-appointment then expected for full seven-year term.

For next Democratic vacancy, son bearing famous FCC name is being mentioned: Wayne Coy Jr., whose late father

was chairman 1947-52. Mr. Coy, 36, is now director of legal affairs for noncommercial WETA-FM-TV Washington and National Public Affairs Center for TV. Next Democratic term expiring is Glen O. Robinson's in 1976. There are those who think another Democratic seat may open if Ben Hooks resigns for bigger things to which he aspires. Mr. Hooks's term ends in 1979.

Getting ready. Worldvision Enterprises Inc. has reportedly acquired syndication rights to ABC-TV's hit series, *The Rookies*, and is already selling it for future date, which will depend on when series is canceled by network. Show, now in its third year on ABC, is doing stronger than ever in ratings, chalking up solid mid-30's shares in last two Nielsens.

Jurisdiction over cable. Question of whether FCC should pre-empt all cable television technical standards is due for consideration by commission today, and indications are that commission will take less than all-or-nothing position. Cable Television Bureau has drafted report and order that generally pre-empts field, asserting need to "bring into uniformity" myriad standards now being developed by various jurisdictions throughout country, but also providing for waivers where commission standards do not meet state or local conditions. Draft would encourage development of "well-supported alternative standards at local level."

Draft order, which would ultimately affect all systems, makes these points: Diverse standards cannot remain in force if they are inconsistent with "goals of uniformity and interconnectability." However, all systems operating under nonfederal standards, and all systems certified by commission before Jan. 1, 1975, would be grandfathered as to standards that do not adversely affect those stated goals. Systems neither certified nor in operation before Jan. 1, 1974, would require waiver if their application provides for alternative technical standards.

End run? FCC officials are concerned about states and localities imposing user taxes on cable television subscribers. They regard such taxes as device to circumvent FCC rule limiting franchise fees to maximum of 5%. But whether commission can do anything about it is proving to be sticky question. Florida Cable Television Association and system in Stockton, Calif., have petitioned FCC for declaratory ruling. FCC staff prepared analysis asserting that user taxes might violate spirit of FCC rule but that situation raises constitutional question of federal versus state powers. Staff suggested cable interests should seek court test or legislation.

But FCC was not satisfied, directed staff to address original question. Some consideration is being given to rulemaking or to request to Congress for legislation. But those actions would take time. And officials fear that while matter is still unresolved more user taxes would be initiated.

River view. National Cable Television Association, which has its annual convention sites lined up for next decade, is now contemplating changes. St. Louis, which with completion of new Gateway Center is attracting more conventions, is being eyed as future NCTA site. While nothing is final, probable year would be 1977, when NCTA is now scheduled to meet at Chicago's McCormick Place. Sites for 1975 gathering (New Orleans) and 1976 (Dallas) aren't being questioned.