ABC and NBC fight relaxation of pay-cable rule on movies

They ask FCC to take another look at three-to-10-year provision, saying it will make for less, rather than more, program diversity

NBC and ABC last week filed petitions for reconsideration of the FCC's new pay cable rules, claiming the commission's decision to relax the rules as they pertain to movies will increase siphoning and have a deleterious effect on the segment of the public that relies on free television for entertainment.

NBC said that the present pay cable rules—which have shortened the two-to-10-year period for exclusive free television exhibition of movies to three-to-ten (BROADCASTING, March 21) contradict the intended purpose of the pay-scale proceeding, which, it said, was to increase the number of program choices. "Encouraging pay cable to show programs that are already available on free television hardly increases the number of program choices available to the public or caters to minority tastes and interests," said NBC.

Furthermore, NBC claimed that the record has shown that most films conclude their theatrical runs in less than 12 months, and therefore pay cable has ample opportunity to use feature films both during the first and second years of theatrical release.

ABC challenged the FCC's "apparent assumption" that increased access to movies and sports by cable would help "bail out" the cable industry. The evidence, said ABC, is that pay cable is meeting its optimistic projections and recent plans for satellite interconnections will further spur its growth.

ABC urged the commission to revise the 90% rule, so that no more than 60% of the time available on a single channel may be devoted to feature films and sports, with exceptions for local amateur sports.

NBC also faulted the FCC for relaxations in the sports provisions for pay cable on similar grounds. ABC however, only noted the sports rules unlike the feature film rules, allow for "extensive" exceptions. ABC preferred to first see how those exceptions might work.

The two networks are not alone in their unhappiness over the commission's new pay cable rules. From the time the new rules came out, both broadcasters and cable people began to file court appeals.

The list of those taking that course of action include Home Box Office Inc., American Television & Communications Corp., along with five other cable groups and Metromedia Inc., (BROADCASTING, March 24, et seq.).

Cable Briefs

Things looking up. Premier Cablevision Ltd. of Vancouver, B.C., Canada's largest cable company accounting for estimated 15% of country's subscriber market, said it expects to start paying dividends in the 1975-76 fiscal year, which begins in September. Prerequisite for good news was $12-million loan from Toronto-Dominion Bank, according to Premier's chairman, Sydney W. Welsh. Loan was solicited to finance acquisition of Keeble Cable Television Ltd. of Toronto and cable expansions in Ireland.

Local origination. Minnesota Commission on Cable Communications is offering guidelines on defamation, invasion of privacy and copyright law to producers of access programing. Commission noted that often access producers are only aware of prohibition against obscenity, lottery information, advertising and political plugs. Also available is guide for persons interested in forming nonprofit, tax-exempt corporations for purpose of producing public access programing. Materials are available from: *MCCC, 3050 Metro Office Park, Bloomington, Minn. 55420.*

Handbook. Publi-Cable Inc. has set May 20 for publication of its first handbook, "Cable Handbook, 1975-76: A