rulemaking suggesting the same
deregulatory treatment for systems with
up to 999 subscribers.

The commission, which acted on these
matters four weeks ago (BROADCASTING,
March 14), has not yet published the
texts. However, copies became available
last week.

In defining cable systems in terms of the
headend, the commission made clear it
was not automatically amending rules pegged
to the community. A number of existing
rules will continue to be implemented
on the basis of a "system community
unit," that part of a system located with
a single community.

The signal carriage rules—which the
commission considers the core of its cable
regulation—will be applied on a
community-by-community basis. "The limitations
contained in our signal carriage rules are
designed to assure the local broad-
casters' continued viability by providing
for carriage of the local station on the
system while limiting the number of dis-
tant signals imported to that whose com-
petition the local station presumably can
withstand," the commission said.

However, because of what it sees as the
"burden" systems will bear in carrying
different complements of signals on
different units of an integrated system, the
commission has prescribed the criteria it
will consider in reviewing petitions for
waiver of the signal carriage rules.

These include such questions as
whether the affected community could ob-
tain cable-television service or whether
the rest of the system would be built with-
out grant of the requested waiver; the
number and type of inconsistent signals
being proposed; whether the carriage of
any of those signals is mandatory in any
segment of the system; the percentage of
the local broadcaster's total service area
affected; the local broadcaster's financial
condition, if put in issue in the proceed-
ing; the extent to which the market has al-
ready been penetrated with cable carriage
of the signals in question, and the extent
to which the system may contemplate
futuristic strategies. The commission's rule-
ways, through "goss estimates," indicates that a handful
of stations in small markets would lose
more than 2% of their audience if local
systems added distant signals. But a
"detailed analysis" of 15 "worst cases"
indicated the greatest audience loss ac-
ually would be 1.7% in Ardmore-Ada,
Okla., if the deregulation were applied to
1,000-subscriber systems (see table).

The definitive exclusion of
MATV's—which serve subscribers in one
or more multiple-unit dwellings, such as
apartment houses, under common owner-
ship or management—is a carryover,
though with some revisions, from the
original definition. In retaining it, the
commission said it was impressed by the
statement of a large multiple-system cable
operator, Cablecom-General, supported by
the comments of a large corporation
with broadcast interests, RCA, "that
regulation of MATV systems had not been
justified on the grounds of their actual or
potential harm to over-the-air television."

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Pole appeal. National Cable Television
Association has appealed FCC's refusal to
assert jurisdiction over agreements cable
systems reach with telephone and utility
companies over use of their poles. NCTA,
claiming cable systems are at a disad-
antage in attempting to negotiate rights to
attach cables to poles, had requested commis-
sion to assert jurisdiction. Commission, how-
ever, said it lacked jurisdiction to regulate
utility poles or conduit space provided by
electric utilities to cable television opera-
tors. Appeal was filed with U.S. Court of
Appeals in Washington.

Gearing for rewrite. National Cable Televi-
sion Association's Communications Act
rewrite committee chairman, Ralph
Baruch of Viacom, announced heads of
departments and subcommittees. Legal
group will be led by Charles S. Walsh of
Washington law firm Fleischman & Walsh.

Pay for play. April 17 has been set as pre-
mier date for first in new series of Home
Box Office pay-cable stage-show offerings.
Series, Standing Room Only, will present
different stages "spectacular" every
month. Performances are taped live and
are exclusive to HBO. First three shows are "Ann Corio's 'This Was Burlesque'
" taped at the Academy of Music in North-