

casting's United States Satellite Broadcasting, a DBS applicant that is still waiting for the FCC's regulatory stamp on its plans.

USTV, a partnership headed by General Instrument and New York businessman Francesco Galesi, has proposed a four-channel pay service that would be available to apartment buildings, condominiums and individual homes. In its initial phase, USTV's service will be delivered via 10 transponders (four for a West Coast feed, four for an East Coast feed and two for backup) leased through GTE on Canada's Anik C-11, a fixed (11.7 ghz to 12.2 ghz) satellite scheduled to be launched next April. IN 1984, USTV will switch the service to GTE's GSTAR A-1, another fixed satellite.

Because of the fixed satellites' relatively low power, earth stations with antennas at least four feet in diameter will be needed to receive USTV's programming. That is significantly larger than the earth station antennas envisioned for true DBS services, like those proposed by STC and USSB, that employ high-powered satellites operating in the dedicated DBS band (12.2 ghz to 12.7 ghz).

In its filing, STC argued that USTV intends primarily to offer a direct-to-home service and that the FCC grant of the service was inconsistent with its slowly evolving DBS policy. The FCC, STC said, "has already indicated in other proceedings that out-of-band DBS proposals will not be routinely approved." Referring to the pending application of Focus Broadcast Satellite Co., which is similar to USTV's, STV said the FCC "has concluded that [out-of-band DBS proposals] raise significant legal and policy issues."

STC spokeswoman Mary Pittelli said the filing was motivated by STC's belief that all prospective DBS should be made to play by the same regulatory rules. She dismissed the notion that STC's opposition to the USTV plans was an attempt to rid itself of additional competition that USTV represents to its "early entry" SMATV service and ultimately its DBS service.

Nonetheless, STC seems to be reassessing its early entry plans. Those plans call for a two-channel service to be delivered to apartment buildings and other multi-unit dwellings in the northeast via a fixed satellite. (The service is distinguished from USTV's in that it is not intended for reception at individual homes.)

The early entry service was conceived as a means for easing STC into the full-blown DBS service, an enormous logistical undertaking involving distribution, installation and maintenance of millions of earth stations and national and local advertising and promotion. STC felt a limited SMATV service would allow it to set up gradually the infrastructure and develop the expertise necessary to pull the national service off. The early entry service would give STC a chance to experiment with packaging programming and provide a basic core of subscribers for the day when the first DBS satellite comes on line.

STC's bullishness regarding the early entry service, evident in its announce-

ment of the plans last November and in interviews with BROADCASTING, last February (BROADCASTING, Feb. 22), have turned into statements by top executives that the service is still under consideration and discussion. □

It's fourth and a mile for NFL TV

The only National Football League TV action last week involved cancellation of games for the third week in a row, dismal ratings, scrambles for substitute programming and some body-blocking in the courts.

If it doesn't lose in court, and the players don't settle with management by next weekend, the Turner Broadcasting System may be one of the few broadcast organizations with reason to smile. It still plans to televise the series of 18 "all-star" games proposed by the NFLPA, the first of which has been pushed back one week to Oct. 17 at RFK stadium in Washington.

CBS and NBC continued to suffer with their substitute programming on Sunday (Oct. 3). After a 3.9 rating and 16 share for a special edition of CBS's *NFL Today*, the network averaged a 4.9/17 for NCAA Division III's Wittenberg vs. Baldwin-Wallace and West Georgia vs. Millsaps games and a 3.6/9 for the San Diego vs. Occidental and Wisconsin-Oshkosh vs. Wisconsin-Stout contests later in the afternoon. On the comparable Sunday a year ago, CBS earned an 8.8/30 for *NFL Today* and an 18.3/48 from its NFL game.

NBC had it even worse, earning a 1.9/6 for its *NFL '82* pregame show and a 2.4/6 for the Canadian Football League Calgary vs. Saskatchewan game. Last year NBC had a 4.1/14 for the pregame and a 7.7/20 and 17.3/38 from NFL games.

ABC, which doesn't offer Sunday NFL football, had baseball, earning an 11.9/32.

At ABC, the theatrical "Coal Miner's Daughter" filled in for *NFL Monday Night Football*, scoring a 19.2/30. That too was down from the comparable football night a year before 23.2/38.

This past Sunday (Oct. 10), CBS had scheduled a special *CBS Sports Sunday* with two live boxing matches and taped gymnastics and motorcycling races. NBC was going with more CFL: British Columbia vs. Edmonton.

Today (Oct. 11), ABC had scheduled "Starting Over" in place of *NFL Monday Night Football*.

It's still uncertain whether TBS will be prevented from covering the proposed all-star games—or whether the courts will allow the players to play in the proposed games. A suit filed by the Buffalo Bills and seven other clubs, seeking to enjoin TBS from encouraging the players to break their player contracts, still pends in federal court in New York.

And U.S. District Court in Washington Judge John Penn added a new twist to the works last week when he barred NFL

clubs from suing in state courts to prevent players from participating in the all-star games.

Nonetheless, Penn denied the players' request that the court declare unenforceable the parts of the NFL standard player contract that prohibits players from playing in football games not sanctioned by the league (BROADCASTING, Sept. 27). Penn's decision permits the clubs to file suit against the players in his court.

In response to the NFLPA's request, Penn said the players' association would "suffer great harm" if it were forced to defend itself against a multitude of such actions against the players in the states.

William Willis, an attorney representing the NFL management council, said the council has appealed Penn's ruling to the U.S. Court of Appeals in Washington. It also has asked the court to stay Penn's order pending the appeal on the grounds that the order would, in effect, prevent the clubs from suing the majority of the players. "Generally speaking, you can only sue someone where he lives; most of the players don't live in Washington," Willis said.

Meanwhile, however, spokesmen for TBS and the NFLPA said they still were planning to go ahead with the all-star games.

TBS, which plans to distribute the games over the air as a Turner Network Television presentation, says it has lined up network affiliates and independents in 84 markets to carry the games to 70% of the country, Turner's superstation, WTBS(TV) Atlanta, also would carry the games to 22 million cable households, he said. While the spokesman said TBS was lining up other sponsors, the only one that had been announced as of last week was Chrysler. □

NAB charts its course

Executive committee again condemns spectrum fee idea, urges broadcasters to turn to MDS, gives blessing to Packwood First Amendment fight

The National Association of Broadcasters executive committee repeated last week its strong opposition to spectrum fees, encouraged broadcasters to explore multi-point distribution services and endorsed First Amendment hearings held last month in the Senate.

In a busy session in Washington, the committee restated its "long-standing" opposition to spectrum fees of the kind that have been vigorously exposed by FCC chairman Mark Fowler in recent weeks. Fees have also been proposed by the National Radio Broadcasters Association and endorsed by National Public Radio. Broadcasters would be required to pay spectrum-use fees in exchange for broadcast deregulation. The fees would be