



House of Representatives
Commonwealth of Pennsylvania
Hon. Frank LaGrotta
House Post Office Box 101
Room 324 Main Capital Building
Harrisburg, Pennsylvania 17120-0028

August 10, 1993

Dear Representative LaGrotta:

In response to your invitation to provide testimony in connection with your sponsored bill to prohibit charging a different fee to taverns than to residential subscribers, I would submit the following:

1. I am the General Manager of Pro Am Sports System, Inc., a regional cable sports network, which serves the state of Michigan and Northwest Ohio.
2. Since 1984, Pro Am Sports System, PASS, has charged a different fee, similar to those at KBL, to commercial establishments.
3. The fee for commercial establishments such as taverns, hotels, and motels is based upon viewers as compared to residential fees which are for family and friends.
4. The commercial establishments use the telecast of the local teams to increase business and revenue, not for personal entertainment as the residential subscribers do.
5. PASS supports the commercial establishments with promotional material, schedules, ticket discounts, on-air mentions, etc. so they do receive a different service than residential subscribers.
6. There have been a number of legal disputes in both state and federal jurisdictions which have supported the PASS position.

In summary, the theory is that if the signal or telecast is used for a purpose other than personal entertainment, such as the taverns are doing to enhance their revenue, we can charge a corresponding fee. I would strongly protest any proposal that allows persons or entities equal consideration when the purposes are not equal.

Respectfully submitted,

William Wischman

William J. Wischman, Jr.

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