

July 21, 2015

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

***Re: Applications of AT&T Inc. and DIRECTV For Consent to Transfer Control of Licenses and Authorizations, MB Docket No. 14-90***

Dear Ms. Dortch:

The undersigned companies and organizations support a vibrant and open Internet. Competition flourishes when consumers can access the online content of their choosing free from unreasonable interference from their broadband Internet access service (“BIAS”) provider.

Charging tolls at the point of interconnection to online content providers, or to the transit and content delivery services that smaller online content providers rely on to reach consumers, is one way that AT&T has leveraged its exclusive control over the connection between its BIAS subscribers and the online content they request and for which they pay. The congestion tactics used to extract these fees result in severe degradation for end users, making consumers the collateral damage.

AT&T’s \$48 billion acquisition of DIRECTV would give AT&T even greater incentive to seek access fees from online video services that compete with its newly acquired multichannel video product. This would distort competition in the market for video programming and thwart consumer choice by enabling AT&T to disadvantage online video competitors through the imposition of Internet tolls.<sup>1</sup>

Charter Communications, as a condition of its proposed acquisition of the Time Warner Cable and Bright House operations, has committed to a new interconnection policy that will enable online content providers, transit and content delivery services that meet specified criteria to interconnect without access fees.

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<sup>1</sup> See, e.g., Letter from Angie Kronenberg, COMPTTEL (filed May 15, 2015); Letter from Markham C. Erickson, Counsel to Netflix, Inc. (filed May 4, 2015); and Letter from Robert M. Cooper, Counsel to Cogent Communications, Inc., Jeffrey Blum of DISH Network Corporation, Matt Wood of Free Press, Josh Stager of New America’s Open Technology Institute, and John Bergmayer of Public Knowledge, MB Docket No. 14-90, 5-6 (May 12, 2015).

Open interconnection policies are good for consumers and the continued growth of the Internet. While they do not address every issue that may arise in this particular transaction, they are baseline commitments that help to constrain the well-recognized anticompetitive incentives otherwise present in the proposed AT&T/DIRECTV merger.

Accordingly, we urge the Commission to impose a similar commitment on AT&T as a condition of its proposed acquisition of DIRECTV.

Respectfully submitted,

/s/ Robert N. Beury, Jr.  
Robert N. Beury, Jr.  
Cogent Communications, Inc.

/s/ Daniel O'Connor  
Daniel O'Connor  
Computer and Communications  
Industry Association

/s/ Angie Kronenberg  
Angie Kronenberg  
COMPTEL

/s/ Jeffrey Blum  
Jeffrey Blum  
DISH Network Corporation

/s/ Matt Wood  
Matt Wood  
Free Press

/s/ Joshua Stager  
Joshua Stager  
New America's Open Technology  
Institute

/s/ Corie Wright  
Corie Wright  
Netflix, Inc.

/s/ John Bergmayer  
John Bergmayer  
Public Knowledge

cc: Jon Sallet  
Jamillia Ferris  
Maria Kirby  
Chanelle Hardy  
Valery Galasso  
Matt Berry  
Robin Colwell