

I agree with Bloomberg this must be investigated and if Comcast is violating merger conditions placed on it they must be punished.

Bloomberg Blasts Comcast For Violating NBC Merger Condition

Bloomberg took its beef with Comcast back to the Federal Communications Commission today, saying the BTV news channel is being unfairly excluded from the "news neighborhood" on Comcast cable systems.

Fair and equal viewer access to all news channels was a specific condition imposed on Comcast by the FCC, in allowing the cable giant's takeover of NBC/Universal, noted Bloomberg attorney Stephen Gavin in his FCC filing. The order was to prevent undo advantage for NBC News, MSNBC and CNBC. The Commission held that "if Comcast now or in the future carries news and/or business news channels in a neighborhood, defined as placing a significant number or percentage of news and/or business channels substantially adjacent to one another in a system's channel lineup, Comcast must carry all independent news and business news channels in that neighborhood."

Bloomberg had to dig deep into the Comcast world, but has come up with a few locales that contradict Comcast's first Annual Report of Compliance, filed with the FCC by senior vp David L. Cohen on February 28. The report affirms Comcast "has not re-arranged any news channel into a neighborhood since the close of Transaction and, as a result, has not incurred any obligation to neighborhood news channels."

Yet in Crescent City, Florida, found Bloomberg, Comcast built up a news channel neighborhood in the 30s for CNBC, Fox News, CNN and CNN Headline News, while leaving BTV ghettoized at channel 251. A similar neighborhood grouping in Claxton, Georgia clumped CNBC, MSNBC, CNN, HLN and Fox News at channels 28-32. BTV stayed put at 251.

Bloomberg also tracked down systems in Bethel, Connecticut and Etna, New Hampshire where Comcast moved MSNBC (though not BTV) into a neighborhood. And Bloomberg argues that Comcast's assertions about the difficulty in altering channel lineups are "baseless and a pretext to avoid compliance with the Order," as Comcast "has added or moved channels overall in nearly 87% of its head-ends; 38.7% in 2012 alone. In numerical terms, this amounts to nearly 11,000 channel changes in 2011 alone."

The Tennis Channel has also yelled "foul" regarding isolation from other sports outlets in the Comcast world.

And some fuss has been raised in recent days by the likes of public interest group Public Knowledge over Comcast's seeming favoritism to the Xfinity TV service newly available through Xbox 360s in homes served by Xfinity cable/internet. Because this content is being fed through Comcast's "private

network," it says, the streaming doesn't count against an Xfinity customer's monthly 250 GB internet data cap. However other content now being delivered to the Xbox through the same connection, including Xfinity's just-added HBO Go app, is being metered. Comcast argues the latter is done because that streaming goes through a "public network."