

To Whom It May Concern at the U.S. Department of Justice Antitrust Division;

If John Sherman the author of the 1890 Sherman Antitrust Act were alive today he would extricate Comcast for its proposed merger with Time Warner Cable. John Sherman who helped end the Gilded Age would be appalled by the new Gilded Age being established today. He was against political and economic power of corporations being missed against the public interest. That being said some facts to consider:

If this merger were to happen it would result in a wave of proposals for new media mergers - resulting in greater media consolidation with our media already concentrated in the hands of a few becoming even more concentrated, less diverse, and less local. One likely merger would be that of DIRECTV and Dish Network. In 2002 EchoStar as it was then called and DIRECTV attempted just such a merger but the DOJ and FCC rightly (after documents leaked proving both are strong competitors of the other) denied the merger stating that SATELLITE TV IS A MARKET UNTO ITSELF. DIRECTV and DISH suggested they were not aggressively competing against each other but the cable companies.

Now if the DOJ and FCC saw DISH and DIRECTV as part of the broader pay TV market (satellite TV was not a market unto itself) and reasoned there would still be plenty of competition for the combined company from cable they may have approved that merger then. However, you rightly blocked that merger as you should Comcast TWC as the market for cable TV and Internet service (also a market unto itself) is anti competitive and would be more so post merger if Comcast were allowed to acquire Time Warner Cable. In Sirius XM your thinking changed on that one as the satellite radio giants were struggling independently (their words) and you approved that merger on the basis they competed in the broader audio market which includes Apple iPods and other mp3 players, terrestrial radio etc.

Personally, I think you got it wrong in Sirius XM and got it wrong on Comcast NBC. Comcast NBC should not have happened and Sirius XM probably should not have been allowed either as it set a precedent that maybe mergers like DIRECTV with DISH in future would be okay. In fax during the AT&T T-Mobile merger proceedings DISH suggested if that merger were approved it might try to merge again with DIRECTV. We all know that merger was rightly denied.