

October 26, 2017

The Honorable Jeff Sessions  
Attorney General  
U.S. Department of Justice  
Washington, D.C.

Dear Attorney General Sessions,

We write to urge the Department of Justice to complete a thorough antitrust investigation of the proposed merger of AT&T and Time Warner and if, as appears, it would substantially harm competition, not to allow it to go forward unless those harms can be effectively prevented.

While the undersigned groups' opinions diverge significantly on many policy issues, we are united in our desire to ensure that free expression is not threatened by an increasingly limited number of companies that dominate U.S. media. We hope that the department seeks aggressively to defend these principles as it reviews the pending merger.

As entities that closely follow the U.S. media landscape, we are acutely aware that AT&T and Time Warner are already massive media conglomerates in their own rights. AT&T's 2015 purchase of DirecTV made it the country's top pay-TV firm, the No. 2 wireless provider, and the No. 3 broadband company. Time Warner, meanwhile, owns CNN and HBO, three of the top five general entertainment cable networks, and the second largest movie studio in Warner Brothers.

We are deeply concerned that allowing these firms to join forces -- without significant conditions that fully address all competitive concerns -- would intolerably limit consumers' control over what they watch and where they get their information. The First Amendment is the bulwark of political discourse, and the proposed ATT-Time Warner merger will necessarily further restrict the diversity of speech which strengthens our nation as it becomes in the new company's interest to promote select channels over alternative outlets.

The combined company could promote its own programming, for example, through "zero-rating," which effectively discriminates against Time Warner competitors by exempting only its content from data charges on AT&T's wireless networks. AT&T would have the power to give preference to its newly owned news and entertainment channels, while relegating competitors to less desirable channel locations and imposing higher costs on them or keeping them off their services altogether. The company could also harm rural viewers in particular by using its size and assets to make programming more costly to DISH, the main satellite competitor to DirecTV.

Ensuring that our society retains effective access to a diversity of viewpoints is a major component of the government's responsibility to protect competition in media markets, where it also protects the values underlying the First Amendment. At this time where giant media companies are aggressively seeking to consolidate, our antitrust laws have rarely been a more potent and needed defender of American consumers of all stripes and ideologies.

Sincerely,




Rick Manning  
President  
Americans for Limited Government



Sandy Rios  
Director of Governmental Affairs  
American Family Association



Mark Cooper  
Senior Fellow  
Consumer Federation of America



Gene Kimmelman  
President  
Public Knowledge



JennyBeth Martin  
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Writers Guild of America-West  
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