



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

28 DEC 2010 RCVD

*Anna G. Eshoo
Fourteenth District
California*

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December 20, 2010

The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski,

As the Commission prepares to conclude its review of the proposed merger between Comcast and NBC Universal (NBCU), I want to express my concerns about the effect that the merger may have on internet broadband access for consumers.

Comcast is already the single largest internet service provider in the country—and in some areas, the only provider of internet broadband service. The company provides service in 34 states and the District of Columbia. Nearly one out of every four cable subscribers is a Comcast customer. To the customer, Comcast may seem like a monopoly. It is precisely this market success that leads to my concerns.

Increasingly, customers are going to the internet to seek out the content they want, when they want it. Without imposing conditions on the merger, the combined entity could eliminate or reduce consumer access to the online content of their choice.

I have been fortunate to represent Silicon Valley during the internet boom, and believe that consumers should decide what content they want to see. Consumers should be free to decide technology winners and losers based on what works best, not based on whether the content provider has a relationship with the ISP.

The proposed transaction would allow the combined entity to control access to a wide variety of national programming assets, as well as popular video distribution portals such as Hulu and On Demand. After the merger, the combined entity would be able to deny its competitors access to, or raise the prices on, a wide variety of content, including sports programming, NBC local affiliates and related news channels, USA Networks, Bravo, E! Entertainment Television, as well as Universal Studios, Focus Features and MGM Studios movies.

The combined entity could block or degrade consumer access to competing internet video content—as the FCC found Comcast had done in the Bit Torrent case. In addition, Comcast has never denied the substance of the FCC's allegation in that case, only challenged the FCC's authority to penalize the company for doing so. We have no

assurances that Comcast would not continue to do so in the future without additional safeguards in place.

As such, I would ask the Commission to adopt strong net neutrality principles as conditions on this merger, as well as ensure that consumers have additional choices of their internet service providers. For example, the AOL-Time Warner merger contained a condition to require wholesale broadband access for consumers. When consumers have choices in their ISPs, prices remain lower, and another corporation can watch the network to ensure that the backbone provider is not blocking or degrading access to internet content.

The proposed Comcast-NBCU merger has far reaching implications for consumer choice, and I urge the FCC to ensure that it preserves competition, promotes media access, and serves the public interest.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anna Eshoo", with a large, sweeping flourish extending to the right.

Anna G. Eshoo
Member of Congress