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March 23, 2018

The Daily Signal **Don't Tax the Net** ***CNET*** **FCC's new 5G rules favor fast setup over federal reviews** ***USA Today*** **Bye Facebook, hello Instagram: Users make beeline for Facebook-owned social network** ***Allentown Morning Call***	The Justice Department and AT&T Inc. traded legal jabs Thursday as a federal judge opened proceedings on whether the telecom giant's planned purchase of Time Warner Inc. violates antitrust laws. U.S. District Judge Richard Leon said little while the government and the companies spent about 90 minutes of opening arguments attacking the opposing side's legal position. The Justice Department, which is seeking to block the $85 billion deal, said the merger could mean at least $400 million in pay-TV price increases because AT&T, which owns the DirecTV satellite service, would have newfound marketplace leverage if it folds in Time Warner's stable of programming, including the Turner networks and HBO. "If the merger goes forward, consumers all across America will be worse off as a result," said Justice Department lawyer Craig Conrath.

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AT&T and Time Warner lawyer Daniel Petrocelli called the government's claims "preposterous" and "dead wrong," saying the case was simple because the Justice Department couldn't offer proof that the deal would lessen competition. "It is a case where there is only one just, clear-cut outcome, and that is to deny the government's case to block this historic merger," Mr. Petrocelli said. The fireworks came on the first official day of a trial that could take six to eight weeks.

People lined up in snow-covered D.C. early Thursday morning for a chance to witness the start of the proceedings. The crowd filled two courtrooms and included the companies' chief executives, AT&T's Randall Stephenson and Time Warner's Jeff Bewkes, as well as U.S. antitrust chief Makan Delrahim. Both sides used their opening presentations to emphasize key points they made in written legal briefs submitted ahead of the trial. They also revealed new details for the first time publicly and hinted at their strategic focus.

The Justice Department argued a post-merger AT&T would use Turner's valuable channels to wring higher prices out of rival cable providers who need that programming for their packages. The government also argued AT&T would try to deter emerging online rivals who are offering pay-TV packages at cheaper prices.

Mr. Conrath highlighted Dish Network Corp.'s Sling TV, a new online-only TV package that competes against AT&T's DirecTV Now streaming service, as proof of Time Warner's importance. He said Turner chief John Martin warned a Sling TV executive the service would be "crap" if it didn't carry Turner's networks. (Mr. Conrath said Mr. Martin used a more profane word best kept out of the courtroom.) Sling TV today offers two basic $20-a-month TV packages, both of which carry Turner channels.

Google's YouTube TV offered more proof of Turner's power, the Justice Department lawyer said. The cable-like streaming service launched last year without channels like CNN, TBS and TNT. "Guess what happened next. It turned out that apparently launching without Turner content didn't work out that well," Mr. Conrath said, and YouTube TV added them to the package in February. AT&T's Mr. Petrocelli, in turn, said the deal would allow the companies to compete better with major online rivals and to offer a more attractive advertising platform that tailors commercials to specific viewers based on their interests and preferences. The platform would bring in new ad dollars and relieve higher pricing pressures on consumer pay-TV packages, Mr. Petrocelli said.

Withholding Turner content from rivals would be "ruinous" for the newly merged company because it would mean less revenue, Mr. Petrocelli said. He also objected to Justice Department claims that a post-merger AT&T, along with Comcast Corp. , could act in tandem to put a stranglehold on the industry and slow the innovation that has upended the traditional cable business model. Mr. Petrocelli spent a considerable portion of his presentation attacking the Justice Department's economic calculations that assert the deal would lead to higher prices, a signal that AT&T believes the two sides' competing math could be crucial in the case.

After opening arguments, the government began presenting its case, calling Cox Communications Inc. negotiator Suzanne Fenwick as its first witness. The regional cable company executive said a combined AT&T-Time Warner would have worrisome leverage to force Cox to pay more for Turner programming and accept unfavorable conditions. "We are very concerned that we are going to get presented with a horribly ugly deal," Ms. Fenwick said. And if Cox can't get a new, fair deal to carry Turner, "we think we're going to lose a lot of customers," she added.

Mr. Petrocelli in cross-examination questioned Ms. Fenwick's motives and suggested Cox had attempted to use the antitrust review process to extract better terms for carrying Turner than it had been able to win from Time Warner in negotiations. The AT&T lawyer also accused the Cox executive of offering opinions without any evidence to back them up. "You've never done a single bit of quantitative analysis," he said. Proceedings will continue Monday with two witnesses, Warren Schlichting, president of Sling TV at Dish Network, and Turner's Mr. Martin. – ***Wall Street Journal***

Comedian-turned-media-entrepreneur Byron Allen struck a deal to acquire the Weather Channel from Comcast Corp. and private-equity firms Blackstone Group LP and Bain Capital for $300 million. Mr. Allen said Thursday that he is buying the Atlanta-based television network through his company, Allen Media LLC.

The head of Entertainment Studios Inc., which owns eight cable networks such as Pets.TV and Comedy.TV and produces movies and television shows, Mr. Allen said the widely distributed Weather Channel will provide leverage to expand the rest of his holdings. "It is a stronger relative to help pull us along," Mr. Allen said. He plans to acquire other independent media assets to better position his company in the wake of consolidation among bigger media firms, including AT&T Inc.'s purchase of satellite broadcaster DirecTV and proposed acquisition of Time Warner Inc., which is being challenged in court by the Justice Department.

Once in more than 95 million homes, the Weather Channel's national distribution has fallen over the past decade to just over 80 million homes. Much of the subscriber losses can be attributed to consumers cutting the cord to their traditional pay-TV packages in favor of lower-priced streaming services, an issue facing cable networks across the dial. The Weather Channel does have its own special set of issues that could make future growth challenging. Weather information is now readily available to consumers via mobile devices. Efforts by the Weather Channel to go beyond rain and snow and into entertainment and reality programming have fallen flat, and cable and satellite operators have squeezed the network to lower its distribution fees.

Mr. Allen said he doesn't plan major changes in the network's format beyond more investment. "An app can only for the most part tell you what the temperature is; it can't give you the in-depth information you need to navigate you and your family's life," he said. For Comcast, Bain and Blackstone, the sale ends a less-than-stellar run with the Weather Channel assets. NBCUniversal, then owned by GE, along with the private-equity firms **purchased the Weather Channel** from closely held Landmark Communications in 2008 for about $3.5 billion. Comcast inherited NBCUniversal's 25% stake in the Weather Channel when it bought NBCUniversal from GE. In 2015, the owners **sold the digital assets to IBM** for about $2 billion.

The involvement of Comcast and Mr. Allen in a deal is a case of strange bedfellows. Mr. Allen's Entertainment Studios filed a $20 billion racial discrimination lawsuit in 2016 against Comcast, a case that is still going through the appeals process. That suit alleged Comcast didn't comply with an agreement it made to the Federal Communications Commission to launch new networks with African-American ownership as part of getting approval to purchase NBCUniversal. Mr. Allen said he is continuing with his suit against Comcast and that the Weather Channel purchase isn't related to his legal fight. A Comcast spokesman declined to comment the company's legal fight with Mr. Allen.

Mr. Allen is also in a similar fight with Charter Communications Inc. He said one of the suits will be settled and the other one he will "take all the way." Asked which he would settle, Mr. Allen said, "That depends on them." A Charter spokeswoman declined to comment on the company's legal issues with Mr. Allen. – ***Wall Street Journal***

Pennsylvania's Republican primary for U.S. Senate is down to two candidates.

Facing a legal challenge over his nominating petitions, **Joe Vodvarka** — a little-known perennial candidate who previously ran as a Democrat — is withdrawing from the race. **State Rep. Jim Christiana**, R-Beaver, had filed a challenge to Vodvarka's 2,200 petition signatures, arguing that 600 signatures were invalid because they were from unregistered individuals, those not registered as Republican, were missing information, or potentially had details added by someone other than the petition signer.

In a statement, Vodvarka said he and his campaign reviewed the signatures and found "approximately 270" were from Democrats, independents or were otherwise invalid. "For that reason, we are withdrawing from this race," Vodvarka said. His exit leaves Christiana and **U.S. Rep. Lou Barletta** — the former Hazleton mayor who has support from President Donald Trump and an endorsement from the state Republican Party — to duke it out on the May 15 primary ballot. The winner will take on Democratic U.S. Sen. Bob Casey, who is seeking a third term. – ***Allentown Morning Call***