

**Politico**  
**Getting There:**  
**A&E CEO Nancy**  
**Dubuc**

**CNET**  
**DirectTV**  
**shareholders**  
**approve \$48.5**  
**billion AT&T**  
**takeover**

**Reuters**  
**Microsoft offers**  
**first look at new**  
**Windows - and**  
**gives it a name**

**Fierce Cable**  
**40% of**  
**consumers under**  
**40 watch TV on**  
**their smartphone**  
**every week,**  
**report says**

**Allentown**  
**Morning Call**  
**Op-ed by Terry**  
**Madonna,**  
**professor of**  
**public affairs at**  
**Franklin &**  
**Marshall College**  
**and Michael**  
**Young, managing**  
**partner of Michael**  
**Young Strategic**  
**Research: Voters**  
**to cast ballots in**  
**what can be**  
**called a 3-D**  
**election**

**pennlive.com**  
**Corbett calls racy**  
**emails received**  
**by former staffers**  
**'unacceptable'**

**Pittsburgh Post-**  
**Gazette**  
**Ex-justice Orié**  
**Melvin asks state**  
**Supreme Court to**  
**hear her appeal**

Netflix Inc. and Time Warner Inc. are among at least four companies to receive demands for information from the U.S. Justice Department in its review of Comcast Corp.'s bid for Time Warner Cable Inc., people familiar with the matter said.

The requests advance the government's review to a new stage and will provide information to the department's antitrust division about whether the \$45.2 billion acquisition is anticompetitive. A civil investigative demand -- similar to a subpoena -- also was received by cable company Charter Communications Inc., one person said. Cogent Communications Holdings Inc., a business Internet provider, said it received one, too. Discovery Communications Inc. was asked informally for information, another person said.

The Justice Department, which is jointly investigating the acquisition with the Federal Communications Commission, is seeking information about Comcast's ability after the merger to gain leverage in negotiating program distribution deals, according to one person. The department also is looking into the potential that Comcast could interfere with Internet traffic, according to Cogent. "They're trying to understand what effect the proposed merger of these two companies will have on the market," said Amanda Wait, an antitrust attorney at Hunton & Williams LLP in Washington, who isn't involved in the deal. "They want to have a full picture of the market." A spokeswoman for the Justice Department, Emily Pierce, didn't respond to an e-mail

seeking comment.

Cogent Chief Executive Officer David Schaeffer said the Washington-based company received a request from the Justice



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Department about six to eight weeks ago. The department asked for engineering data, Schaeffer said. He said the information shows "that Comcast is blocking traffic entering its network." By not improving connections, Comcast forces companies including Netflix to pay the cable company for direct connections, he said. "That's clearly an abuse of monopoly power and illegal," Schaeffer said.

Comcast in a regulatory filing Sept. 23 said it dealt "responsibly and in good faith" with Internet-traffic carriers including Cogent. It said Cogent last year increased traffic into Comcast's network by almost 500 percent, disrupting traffic for Netflix and other applications. Today traffic is back in balance, Comcast said. A Comcast spokeswoman, Sena Fitzmaurice, declined to comment about the civil investigative demands. The government is also scrutinizing agreements, known as most-favored-nation clauses, used by Comcast and other pay-TV providers to ensure competitors can't get better content-licensing deals with programmers, one of the people said.

Another area of government interest is the ability of Comcast to thwart competition from technology companies like Apple Inc. that sell equipment that can replace

Comcast's set-top boxes, the person said. Data and documents gathered by Justice Department lawyers can be used by the government if it decides to sue to block the acquisition, Wait said. Regulators can also set conditions on the merger or approve it without changes.

In the Justice Department investigation of Comcast's purchase of NBC Universal, approved by regulators in 2011, the agency's antitrust division interviewed more than 125 companies and individuals involved in the industry and reviewed tens of thousands of third-party documents, it said. Comcast, based in Philadelphia, is defending its proposed purchase of Time Warner Cable against opposition from Netflix, Discovery Communications and Dish Network Corp. Netflix has opposed the deal unless regulators prevent Comcast from charging to smoothly handle the video streamer's Web traffic.

Comcast, the largest U.S. cable provider, told the FCC that opponents are improperly using the regulatory review of the deal to press individual business interests. "Netflix will use any proceeding, in any context, to try to shift the costs for carrying its content onto the backs of others -- a great business result for Netflix, but one that would increase prices to consumers and disserve the public interest," Comcast said in a filing made public this week. Information provided by third parties can be used to vet what Comcast and Time Warner Cable are telling regulators, Wait said. "They're getting documents from Comcast, for example, about negotiations with content providers, and they want to see the content providers' side of the story, too," she said. -- Bloomberg

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The saga of those sexually explicit emails traded within the Pennsylvania Attorney General's Office gets more curious — and troubling — by the day. Mere days after a private outside counsel for AG Kathleen Kane denied the Trib's Right to Know request for copies of those emails, Ms. Kane, on Thursday, allowed select reporters to view — but not copy — select emails. That is, the government decided who could view what public information. Unexplained judicial "restrictions" were cited for the limited peep showing.

The Trib's Brad Bumsted saw images and videos of naked women, partially naked women and heterosexual and lesbian sex. Among those sent the emails — though it could not be determined if they viewed them — were the current state police commissioner and DEP secretary and Gov. Tom Corbett's former communications director. As many as 30 current AG employees might have received the emails -- hundreds in all -- during Mr. Corbett's tenure as AG and that of his successor, Linda Kelly. But this matter screams for full transparency — not obfuscation, not parsing and certainly not release in dribs and drabs. For even as Kane said on Thursday, it is in the "public's best interest to have a good understanding of how its public servants conduct their business." — *Pittsburgh Tribune-Review* editorial; more in the [Trib](http://trib.com) and [pennlive.com](http://pennlive.com)



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