

DISH Files Reply with FCC on Proposed Charter/Time Warner Cable Merger, Says Not in Public Interest

ENGLEWOOD, Colo.--(BUSINESS WIRE)--DISH Network Corporation (NASDAQ: DISH) today filed a reply with the Federal Communications Commission (FCC) countering arguments made by Charter Communications, Inc. (Charter), Time Warner Cable, Inc. (TWC) and Bright House Networks (BHN) defending the proposed merger between the companies. In the reply, DISH outlines how the applicants have failed to prove that this proposed merger is in the public interest and reiterates its call for the FCC to deny the merger.

"If the proposed merger is approved, 90 percent of the nation's high speed broadband homes would be controlled by two companies, and the combined 'New Charter' would have every incentive to sabotage OTT services like Sling TV that compete with the old school cable bundle," said Jeffrey Blum, DISH senior vice president and deputy general counsel. "The proposed merger is harmful for consumers, competition and innovation, and should be denied."

Following are key points DISH makes in today's filing. The complete filing can be found [here](#).

MERGER WILL NOT SERVE THE PUBLIC INTEREST:

- **New Charter Will Have an Increased Incentive and Ability to Harm OVDs:** New Charter would have a particularly heightened incentive to discriminate against competing OVD services, especially live streaming services like Sling TV – which is a total substitute for linear pay television. (p.13)
- **New Charter is Likely to Increase Broadband Prices, Further Prejudicing Rival OVDs:** New Charter will be able to deploy another win-win strategy to make its broadband business more profitable, while still protecting its linear video business: raise the price of broadband access either directly or indirectly. (p.13)
- **The Merger Will Create a Dominant Duopoly with the Incentive to Engage in Anti-Competitive Parallel Conduct:** As DISH explained in its Petition to Deny, this transaction will create a broadband duopoly, with Comcast and New Charter controlling about 90 percent of the high-speed broadband homes in the country. Parallel action, with one of the two following the other, will be enough to foreclose an OVD from almost all high-speed homes in the country. (p.17-18)
- **The Merger "Benefits" are Nothing More than Repackaged Plans and Conjecture:** Charter also fails to provide any evidence that the combination of Charter with TWC and BHN is necessary to achieve many, if not all, of the benefits it touts. From infrastructure through jobs and cost savings, Charter has offered little more than recycled (non-merger-specific) business plans and conjecture. (p.24)

A copy of DISH's response filing can be found

here: http://about.dish.com/sites/dishnetwork.newshq.businesswire.com/files/doc_library/file/DISH_Reply_to_FCC_on_Proposed_CharterTime_Warner_Cable_Merger.pdf

A copy of the full petition to deny (filed on October 13) is available

here: https://dishnetwork.newshq.businesswire.com/sites/dishnetwork.newshq.businesswire.com/files/doc_library/file/2015-10-13_As-Filed_DISH_Network_Corp_Petition_to_Deny_Charter-Time_Warner_Cable_Merger.pdf

About DISH

DISH Network Corp. (NASDAQ:DISH), through its subsidiaries, provides approximately 13.909 million pay-TV subscribers, as of Sept. 30, 2015, with the highest-quality programming and technology with the most choices at the best value. DISH offers a high definition line-up with more than 200 national HD channels, the most international channels and award-winning HD and DVR technology. DISH Network Corporation is a Fortune 250 company. Visit www.dish.com.

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