

ABSTRACT

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Main Dish with a Side of Voluntary Commitments: Dish Network–DIRECTV Revisited

61 Admin. L. Rev. 661 (2009)

Abstract by Randy Seriguchi, Jr.

Since the FCC's 2002 denial of the attempted merger between Dish Network and DIRECTV, many changes have occurred in the multichannel video programming distribution market and this nation's economy. These changes—along with the relatively similar and recent FCC approval of the XM–Sirius Satellite Radio merger—suggest the need to reconsider the Dish Network–DIRECTV merger. The FCC originally denied the proposal because it found that the harms of the merger outweighed the benefits and that such a merger would be against the public interest. In general, the FCC's public-interest standard considers the following factors: competition in relevant markets, the acceleration of private-sector deployment of advanced services, the diversity of information sources and services available to the public, and the general management of the public-interest spectrum. As this piece explains, the existence of a broad market in digital broadcast providers and the advantages of what post-merger revenues could afford for both the industry and consumers, among other things, suggest that such a merger would be in the public interest. In short, this piece argues that a merger between Dish Network and DIRECTV—with certain voluntary commitments—would not be against public interest and would benefit the industry and American consumers alike.