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Here in the nation's capital, AT&T has painted itself as an underdog that needs to [merge with Time Warner](#) in a blockbuster \$85 billion deal to compete with powerful cable companies. But in several cities and states, AT&T's actions send a different message.

In Nashville and Louisville, Ky., AT&T has sued to make it harder for rival broadband providers to use utility poles. In Missouri, Tennessee and North Carolina, the company has pushed for laws that block municipal broadband providers. In San Francisco, AT&T has fought efforts to open up apartment buildings to more internet service providers. In other words, AT&T has positioned itself as the incumbent telecommunications juggernaut that has acted to hamper competitors locally.

With its giant deal with Time Warner under review at the Justice Department, AT&T's contrasting federal and local actions are glaring. While AT&T's two-sided messaging follows a strategy used by many big companies, any evidence that the telecom company thwarts local rivals could make the deal review tougher and invite costly conditions, telecom antitrust experts said — even though they still expect the acquisition to be approved.

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“Antitrust officials may have a hard time buying AT&T’s argument that it will expand broadband competition and not seek to harm competitors if they find the company is actively working to block new broadband players from entering the markets AT&T already dominates,” said Gene Kimmelman, the president of Public Knowledge, a consumer group, and a former senior antitrust official at the Justice Department, who opposes the merger.

**'House of Cards'**

**Philadelphia Inquirer Editorial: Democrats should heed Rendell's plea for reform**

AT&T said it was not being hypocritical. It said its local activities were aimed at fighting misguided and potentially illegal regulations and that it was seeking to protect jobs and the quality of its service. Its rivals, including Google Fiber, have also lobbied to influence city and state leaders to break into new markets, AT&T said. "Any suggestion that this is about impeding competition, rather than protecting our customers and our network, is flatly wrong," an AT&T spokesman said in a statement.

AT&T's bid for Time Warner, announced in October, is the Trump administration's first big test on corporate mergers. During the election campaign last year, President Trump made a populist promise to block the megamerger. His disdain for CNN, the cable network owned by Time Warner, has also loomed over the transaction. More recently, Mr. Trump has appeared to moderate his views on the deal. **His pick to lead antitrust enforcement at the Department of Justice, Makan Delrahim**, is expected to take a more permissive view on mergers than officials in the Obama administration. Mr. Delrahim's confirmation hearing is scheduled for Wednesday. AT&T said it expected the merger review to be complete by the end of the year.

To get the deal approved, AT&T has begun a **major lobbying** and marketing effort. The company recently hired lobbyists close to Vice President Mike Pence and others in the administration. It increased its lobbying expenses to \$3.7 million in 2016's fourth quarter, up 6 percent from a year earlier. AT&T was one of the top donors to Mr. Trump's inauguration.

Almost immediately after unveiling its plans to merge with Time Warner, AT&T began to shape its image as an underdog. In a **Senate hearing** in December, AT&T's chief executive, Randall Stephenson, said AT&T and Time Warner together could bring new competition to "big cable."

"Cable still enjoys key advantages in the marketplace," such as its dominance in cable television and broadband, Mr. Stephenson said at the hearing. "Our Time Warner transaction will enable us to offset those advantages with better, more innovative video offerings." Members of Congress and their staff said AT&T's lobbyists had argued in meetings that it would be difficult to compete with cable firms like Comcast without owning Time Warner's television and movie content, which it wants to stream to its mobile customers.

Yet even as AT&T was spreading that message on Capitol Hill, the company was acting like a powerhouse in Nashville by fighting against new competitors on several fronts, city officials said. One of those rivals was Google Fiber, the broadband service provider begun in 2010 and owned by Alphabet. For about two years, Google Fiber has been trying to expand its business in Nashville but has been unable to quickly connect its broadband lines to utility poles. AT&T owns 20 percent of the city's poles, with the rest owned by the local electricity provider. Google has attached its lines to only about three dozen of the city's 10,000 utility poles.

"For every month they delay, that's one more month they have 90 percent of the market and not 50 percent of the market," John Burchett, Google Fiber's director of public policy, said on a panel in December hosted by the **trade group Incompas**. He called it an "absurdity" that incumbents like AT&T "get to decide when and how a new entrant enters their market."

After hearing Google's complaints, a Nashville City Council member, Anthony Davis, proposed legislation that would accelerate the attachment process, which was approved in September. Weeks later, AT&T sued to knock it down. Comcast followed with its own lawsuit. AT&T, which had filed a lawsuit in Louisville against similar local legislation, argued that the new laws on pole attachment violated its property rights and could affect the quality of service. "We have opposed these efforts because we are concerned that such unilateral action could potentially result in service outages for our own customers," AT&T said in a statement.

The company added that Google had exaggerated the delay times for pole attachments and that it supported the Federal Communications Commission's efforts to create pole attachment rules to take the place of a patchwork of local laws. Google declined to comment.

AT&T's suits in Nashville and Louisville are pending. If Nashville's law is overturned, Mr. Davis said, residents would suffer. "Now consumers are hurting because of AT&T's suit to protect their position," he said. AT&T has also fought for legislation in Tennessee, North Carolina and several other states to thwart municipal broadband providers. Last year, AT&T had the most lobbyists in Tennessee, with 14 full-time lobbyists and additional outside lobbyists hired to contest several bills in the state legislature that considered permissions for publicly run broadband networks.

The proposals, AT&T argued, unfairly pit private broadband companies against city broadband providers that may have access to public funding and tax breaks. Most of the bills were defeated, with one currently under consideration by the legislature. While lobbying does not violate antitrust law, AT&T's actions have drawn criticism from some consumer interest groups and Democratic lawmakers who have

pressured regulators to strongly scrutinize the Time Warner deal. “AT&T consistently supports a legislative agenda that would eliminate consumer choice and deny competitors the ability to invest in broadband that could bring more choice,” said Todd O’Boyle, a director of Common Cause, a consumer group that supports municipal broadband networks.

In San Francisco, AT&T’s DirecTV belongs to a trade group that in February petitioned the Federal Communications Commission to overturn a city ordinance that prohibits exclusive deals for access to wiring inside buildings with multiple dwelling units. AT&T and other broadband providers would have benefited from exclusive rights to wiring within apartment buildings. They say the city is violating their property rights to wiring they own in the buildings.

Mark Farrell, a member of San Francisco’s Board of Supervisors, said the rule was intended to open up competition to companies like Webpass, a subsidiary of Google Fiber, and SonicNet, which have struggled for access to the wiring of apartment buildings. Mr. Farrell has said residents have complained of few options for broadband in the city. So far, San Francisco has upheld the new rules. – ***New York Times***

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Federal Communications Commissioner Mignon Clyburn ripped the FCC’s decisions Thursday to soften regulations on business data services and to reinstate a rule that could increase TV station mergers. Clyburn, a South Carolina native and Democrat, called the party-line vote on business data services an “all-out assault on America’s small businesses, schools and local economies.”

Business data services connections support rapid data transfers from ATMs and credit-card readers, according to a 2016 President Barack Obama-era **proposal** to lower prices for these services. The proposal was never approved.

The FCC’s vote marks a victory for large corporations such as Verizon Communications Inc. and AT&T Inc., but could harm small businesses and communities. “Instead of looking out for those millions of little guys, the commission has once again chosen to side with the interests of a handful of multibillion-dollar providers,” Clyburn said in her dissenting statement. “What today’s order does is open the door to immediate price hikes for small business data services. Especially hard-hit would be those in rural areas: Cash-strapped hospitals, schools, libraries and police departments will pay even more for vital connectivity, and soon we will see pressure on our rural health care funding, resulting in less bandwidth.”

Republican FCC Chairman Ajit Pai defended the vote, claiming that government regulations provide a false promise of lower prices. “Price regulation – that is the government setting the rates, terms and conditions for special access services – is seductive,” Pai said. “But in reality, price regulation threatens competition and investment. And that’s because regulators will always struggle to set the right price. The price is too low, network owners won’t have an incentive to invest in more modern networks.”

Clyburn said the cable industry had entered the \$45 billion business data services market, but she warned there will be an increase in “significant consolidations,” such as Verizon’s acquisition of X.O. Communications in 2016. More of these mergers would choke out competition, leading to price hikes, she said. The independent U.S. Small Business Administration’s office of advocacy, which **asked for a delay** on the FCC vote a week ago, has shared Clyburn’s concerns about price hikes.

The FCC also voted along party lines to revisit the media ownership cap, which limits the amount of households a broadcast company is allowed to reach. Also, the ultra high frequency discount, which the FCC abandoned in 2016, was reinstated. The UHF discount would make some media organizations less likely to reach the cap by lowering the amount certain organizations are worth.

Clyburn argued the UHF discount is an archaic rule that chokes competition among broadcast stations by encouraging more consolidation. “Consumers benefit from competition, which motivates broadcast stations to invest in higher-quality programming and provide programming tailored to their local communities. Communities are enriched by the promotion of diversity of viewpoints, and consolidation would limit programming options for viewers and undermine local news editorial operations,” Clyburn said.

Pai countered that the FCC’s original decision to eliminate the discount had been too hasty and had led to companies that had been under the cap suddenly going over it. “In reaching this decision, the FCC didn’t examine whether the facts justified a more stringent cap or analyze whether the cap should have been raised at the same time the UHF cap was eliminated. This was illogical and likely unlawful,” Pai said. – ***McClatchy***

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Maybe you’ve heard: Philadelphia has a reputation for voter fraud.

That reputation grows stronger the farther away from Philadelphia you travel and the less you know about the recent history of in-person voter fraud here. Maybe you've also heard: Candidates and political parties can appoint "poll watchers" to observe and report any suspected Election Day voter fraud.

Despite the reputation, volunteers are not exactly clamoring to serve as poll watchers in the city. It's easier to talk up the rumor about voter fraud than to step up and look for it. **State Rep. Rick Saccone**, an Allegheny County Republican, is again pushing a change to the state Election Code section that requires poll watchers to be registered voters in the county where they serve. He wants voters to be able to serve in any county in Pennsylvania.

The House's State Government Committee approved the measure Wednesday in a strict party-line vote — 16 Republicans in favor, nine Democrats opposed. Saccone, in announcing that vote, cited allegations of voter fraud from the March 21 special election for the North Philadelphia-based 197th District of the state House now under investigation by the Philadelphia District Attorney's Office and the Pennsylvania Attorney General's Office.

Democrat **Emilio Vazquez** won that election with 73.5 percent of the vote — running as a write-in candidate after a judge refused to allow his name on the ballot. The Republican nominee, Lucinda Little, won 7.4 percent of the vote. Only Republicans could appoint poll watchers in that race, because Little was the only candidate on the ballot. Still just 83 of the potential 375 poll-watcher certificates in 75 voting divisions were issued. Four out of five certificates were not used by the party now howling about voter fraud.

That's not unusual. Last year, when then-Republican presidential nominee Donald Trump repeatedly claimed the election was being "rigged" in Pennsylvania and implored his supporters to serve as poll watchers, Republican state and city officials reported no uptick in interest for the job. Saccone, a candidate for his party's 2018 nomination to challenge U.S. Sen. Bob Casey Jr., said he doesn't understand the opposition to his bill, especially in "races that have statewide implications."

**State Rep. Matthew Bradford**, a Montgomery County Democrat and minority chairman of the State Government Committee, warned that the change would allow outside "mischief-makers" to show up on Election Day to disrupt the process and intimidate voters. Saccone insists poll watchers from around the state would have to see fraud to make a fuss. "What are they going to act on?" he asked. "Even if they did have bias, they'd have to see something. They'd have to have something to report."

Voter fraud does happen in Philadelphia, just not on the massive scale often claimed by people with a political motivation to make such a claim. Nine people have been prosecuted for the crime in the city since 2013. Still, why not throw open the doors and allow voters around the state to come take a look if they suspect fraud here? Let them report the crime if they see it.

You know what else is illegal? Using "intimidation, threats, force or violence with design to influence unduly or overawe" a voter, according to the Election Code. Let the poll watchers watch, no matter what county they call home. And let's see if they can play by those rules. — **Philadelphia Daily News**

