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## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
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WASHINGTON, DC 20510-6125

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ELLEN DONESKI, STAFF DIRECTOR  
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November 3, 2014

Mr. Philippe Dauman  
President and Chief Executive Officer  
Viacom, Inc.  
1515 Broadway  
New York, New York 10036

Dear Mr. Dauman,

I am writing to express my concern regarding recent Viacom actions to restrict otherwise freely-available online video content to subscribers of Suddenlink Communications' broadband Internet access service.

I am not in a position to judge the merits of the position of either side related to the negotiations surrounding the carriage agreement between Viacom and Suddenlink. And Suddenlink is ultimately answerable to its cable television subscribers for its decision to no longer provide Viacom's cable programming channels. I am concerned, though, that consumers, many of whom have no relationship to the cable television carriage issues between the two companies, face collateral damage as a result of these negotiations.

Specifically, I am bothered by reports that Viacom is blocking Suddenlink's Internet customers from viewing online content that is otherwise freely available to the public on its websites. It is my understanding that Viacom is blocking Suddenlink's Internet customers from viewing full length videos on Viacom's websites and that Viacom is doing so regardless of whether they are Suddenlink video customers or whether they subscribe to video service from another provider. A Suddenlink Internet customer that subscribes to an alternate video provider is presumably paying that video provider for Viacom programming through their monthly service fees. In addition, I understand that Viacom is telling Suddenlink's customers that Suddenlink is to blame for blocking this content when, in fact, Viacom has made the sole election to restrict their access to this online material.

The practice of restricting access to free online content, particularly for the broadband- or Internet-only customers of a company that also provides video services, has already drawn Congressional scrutiny. In fact, the legislation I introduced last year, the Consumer Choice in Online Video Act, would have protected consumers by prohibiting online blocking in exactly the situation Viacom and Suddenlink presently find themselves. This type of activity appears punitive on the part of the content owner, especially when such company does not engage in

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similar activity with the broadband Internet access subscribers of other providers. While I respect the copyright rights that your company, and others, have in their content and your desire to seek fair compensation for that content, I question the need to take this sort of retaliatory action that harms consumers.

Online video clearly represents the next wave of evolution for the video industry – an evolution that I support and have tried to promote with my legislation. Reports suggest that traditional video companies, like Suddenlink, are choosing to pare down their video offerings, or abandon video services altogether, in favor of their broadband services, which sometimes includes terminating their relationship with companies like Viacom. While I applaud your company's decision to make portions of your content freely available to broadband users, blocking access to that content in retribution for what appears to be a legitimate business decision could subject Suddenlink's present and future broadband Internet subscribers to harm for years to come (and potentially permanently).

I appreciate your consideration of my concerns, and I hope that your company restores access to its free online content for, at a minimum, Suddenlink Communications' broadband Internet-only customers (as well as the broadband-only customers of other companies being harmed by blocking due to other disputes with Viacom). I also hope that Viacom rethinks this practice in future disputes or in future situations where a video company no longer wishes to provide your channels as part of its cable television service to its customers.

Sincerely,



John D. Rockefeller IV  
Chairman