

Congress of the United States
Washington, DC 20515

December 6, 2019

The Honorable Makan Delrahim
Assistant Attorney General, Antitrust Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Assistant Attorney General Delrahim:

We write to share our concerns regarding the anti-competitive nature of the online ticketing marketplace following the Department of Justice's (DOJ) 2010 consent decree enabling the merger of Live Nation and Ticketmaster. Our constituents are facing significantly increased live event prices and a lack of meaningful alternatives to purchase tickets to live events. As such, we request that you take all necessary action to protect consumers and enhance competition in the online ticketing marketplace, including those outside the scope of the current consent decree.

In 2010, Ticketmaster and Live Nation decided to merge into a single entity, Live Nation Entertainment (LNE), which prompted the DOJ to open an investigation into the horizontal and vertical impacts of the transaction. The antitrust review culminated in a consent decree that attempted to prevent anti-competitive behaviors but ultimately, though unintentionally, allowed for a ticketing monopoly.

As part of the agreement, LNE agreed to not retaliate against venues that contract with a primary ticketing competitor. Additionally, LNE could not require venue owners to use the company's primary ticketing services in order to host an LNE-represented artist or require a venue owner to host an LNE-backed artist in order to use the company's primary ticketing services.

However, we believe the DOJ's remedies have not achieved their intended goals. LNE has taken full advantage of loopholes, including bundling its products and services in a way that controls both the primary and secondary ticketing markets. The agreement further failed to contemplate LNE's expanded participation in secondary sales or its use of technology to restrict competition and eliminate consumer choice – namely by forcing consumers to resell their tickets exclusively through LNE's secondary ticket marketplace. These loopholes prevent meaningful enforcement and invites anti-competitive behavior and consolidation of the marketplace.

At the time, the consent decree was heralded as “the best avenue to preserve and promote competition in the live music business.”¹ However, over the past decade fundamental

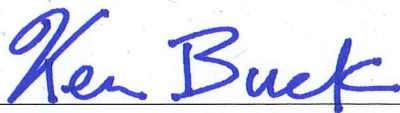
¹ Christine Varney, “The Ticketmaster/Live Nation Merger Review and Consent Decree in Perspective” (South by Southwest, Austin, Texas, March 18, 2010), Page 1.

shortcomings in the agreement have allowed LNE to further exploit its position as the dominant market player and foreclose on new competition, all to the detriment of consumers.

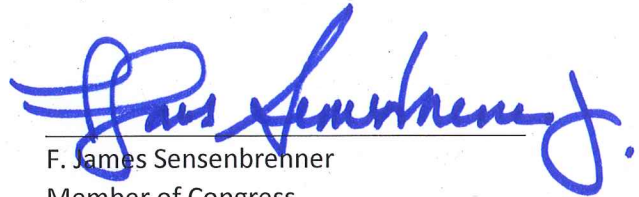
Americans deserve an online ticketing marketplace that is based on free-market principles and emphasizes consumer choice. We believe it is critical that the DOJ review the effectiveness of the 2010 consent decree and pursue remedies that guarantee competition in the online ticketing marketplace.

As such, we invite you or your staff to provide an in-person briefing on this matter for our offices at your earliest convenience. Thank you in advance for your prompt attention to this important matter.

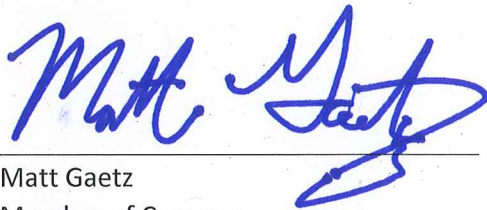
Sincerely,



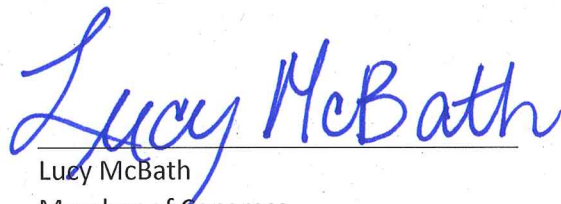
Ken Buck
Member of Congress



F. James Sensenbrenner
Member of Congress



Matt Gaetz
Member of Congress



Lucy McBath
Member of Congress