[DE] Berlin Brandenburg Media Authority (MABB) takes Deutsche Telekom AG to court for release of unused cable channels

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As the leading cable network operator in Germany, Deutsche Telekom AG has the largest cable network in Europe at its disposal. Extensions to the network mean that there are hyperband channels free which have not been in use for years.

For economic reasons, the company prefers to allocate the new cable space to digital TV operators, as relatively high profits are expected in this field. At present DeutscheTelekom AG receives only connection charges from viewers and fees from broadcasting companies for carrying programmes which are below the profit level of digital television.

The company's cable policy is criticised in particular by the regional media authoritys, which were originally responsible for cable allocation; the authorities believe the most important criterion in selecting cable input is maximum diversity of programmes and opinions, and that commercial interests should not be the deciding factor. After DeutscheTelekom AG refused to include commercial television in the network, inter alia in the Berlin area, indicating that it wanted to keep the free channels for digital television, the Berlin Brandenburg media authority (MABB) has now had two channels allocated by deferred court decisions and at the same time has had the decisions declared enforceable forthwith.

The MABB has also informed the Federal Monopolies Commission of its suspicion that in its position as market leader among cable network companies the telecommunications company was refusing to accept certain television operators and in doing so was acting discriminatorily. The Federal Monopolies Commission intends hearing DeutscheTelekom AG on these complaints.

The MABB also intends to inform the European Commission, as it believes DeutscheTelekom AG is hindering the development of the largest European cable network to the detriment of competition and the aims of the information society.

Telekom will in all probability appeal against the decisions of the MABB.

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