

November 21, 2022

The Honorable Merrick B. Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530-0001

The Honorable Jonathan Kanter
Assistant Attorney General
Antitrust Division
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530-0001

Dear Attorney General Garland and Assistant Attorney General Kanter:

We write to reiterate and reinforce the concerns several of us raised earlier this year regarding the absence of competition in the live entertainment and ticketing industry as well as potential anticompetitive behavior by Live Nation Entertainment, Inc. (Live Nation).¹ Recent reports from consumers about skyrocketing fees and poor purchasing experiences on Live Nation's platforms, the platform's failure during the ticket presale for Taylor Swift's tour, and the abrupt cancellation of the public sale of that tour suggest that the Department's past enforcement efforts have failed to protect competition.

While we are encouraged by recent reports that the Department is already investigating Live Nation's conduct, an investigation alone does nothing for the stakeholders already harmed by Live Nation's market dominance and seemingly ongoing anticompetitive behavior. If the investigation reveals that Live Nation has continued to abuse its dominant market position notwithstanding two prior consent decrees, we urge the Department to consider unwinding the Ticketmaster-Live Nation merger and breaking up the company. This may be the only way to truly protect consumers, artists, and venue operators and to restore competition in the ticketing market.

Live Nation controls 60% of the market for promotion of major concerts² and tickets "80 of the top 100 arenas in the country."³ However, while Live Nation has enjoyed this dominant market position, consumers have been disenchanted. Across all genres and venues, Ticketmaster prices have more than tripled in the past 20 years.⁴ In 2018, a Government Accountability Office study

¹ Blumenthal and Klobuchar Letter to the Department of Justice (Mar. 15, 2022), <https://www.blumenthal.senate.gov/imo/media/doc/315.22dojliveentertainmentmarketcompetition.pdf>.

² Jennifer Oliver, "Ticketmaster, Live Nation Get Boomed: Concert-Goers File Class Action for 'Unchecked' Abuse of Market Power," *THE NATIONAL LAW REVIEW* (May 5, 2020), <https://www.natlawreview.com/article/ticketmasterlive-nation-get-boomed-concert-goers-file-class-action-unchecked-abuse>.

³ Ben Sisario and Graham Bowley, "Live Nation Rules Music Ticketing, Some Say With Threats," *N.Y. TIMES* (Apr. 1, 2018), <https://www.nytimes.com/2018/04/01/arts/music/live-nation-ticketmaster.html>.

⁴ See Paige Skinner, "Fan Are Created Dedicated Savings Fund to Buy Tickets For Taylor Swift's Upcoming Tour", *Buzzfeed* (Nov. 7, 2022), <https://www.buzzfeednews.com/article/paigeskinner/taylor-swift-tour-prices>

found that an average of 27% of these prices are fees.⁵ The high prices and labyrinth-like ticketing process for Taylor Swift’s Eras tour are clear examples of the harms consumers face in an anti-competitive ticketing market.⁶ Because of Live Nation’s market dominance, artists, venues, and consumers simply have no choice but to use the platform notwithstanding its flaws and failures. The Swift presale is the latest and highest profile illustration of the monopolistic harms, but the harm was not even limited to her events. The total failure of Live Nation’s Ticketmaster platform during the Swift presale affected anyone trying to purchase or sell tickets to any event. Put simply, artists, venues, and consumers should no longer be at the mercy of a single seller. The Department must act to help consumers and the market shake off the effects of this monopoly.

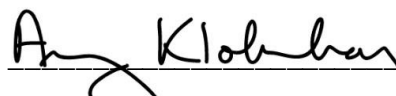
We again call on the Department to vigorously investigate the state of competition in live entertainment and ticketing markets as well as assess Live Nation’s compliance with the 2020 consent decree. If ongoing misconduct or antitrust violations are uncovered, we urge the Department to consider both unwinding the Ticketmaster-Live Nation merger and requiring whatever other structural remedies are necessary to protect other participants in these markets—consumers, artists, and venues—and to restore competition and effective consumer choices to the ticketing market.

Thank you for your prompt attention to this matter.

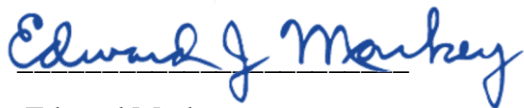
Sincerely,



Richard Blumenthal
United States Senator



Amy Klobuchar
United States Senator



Edward Markey
United States Senator

⁵ Even Ticket Sales: Market Characteristics and Consumer Protection Issues, Government Accountability Office (Apr. 12, 2018), <https://www.gao.gov/products/gao-18-347>.

⁶ See e.g., Madison Malone Kircher, “Want Taylor Swift Tickets? You’re on Your Own, Kid,” N.Y. Times (Nov. 16, 2022), <https://www.nytimes.com/2022/11/16/style/taylor-swift-fans-ticketmaster.html>