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Via Email and ECFS

Chairman Ajit Pai
Commissioner Mignon Clyburn
Commissioner Michael O'Reilly
Federal Communications Commission
Washington, DC 20554

RE: Expanding Consumers Video Navigation Choices
MB Docket 16-42

Commercial Availability of Navigation Devices
CS Docket 97-80

Proposed Transfer of Control of Time Warner Cable, Inc.
and Charter Communications Inc. and Proposed Transfer of
Control of Bright House Networks from Advance/
Newhouse Partnership to Charter Communications Inc.
Docket 15-149

Proposed Assignment or Transfer of Control of Licenses
and Authorizations from Cablevision Service Corporation
to Altice N.V.
Docket 15-257

Dear Mr. Chairman and Commissioners Clyburn and O'Reilly:

I am writing on behalf of Zoom Telephonics, Inc.

Zoom has seen the letter from Chairman Walden and other members of Congress to FCC Chairman Pai dated January 25, 2017. That letter asks the Commission to close Docket 16-42. The letter is directed to the proposed changes to the Commission's regulation of the technical requirements relating to the attachment of set-top boxes.

Zoom takes no position with respect to how the Commission chooses to proceed with respect to the issues that were discussed in Chairman Walden's letter. However, Zoom does call your attention to the fact that one section of the Notice of Proposed Rulemaking (Part III F) deals with essentially separate issues, namely billing and marketing practices, and applies more broadly to navigation devices, including cable modems. When those issues were earlier raised in

two adjudicatory proceedings that Zoom had brought, the Commission declined to address them in favor of considering them in Docket 16-42.¹ Petitions for Reconsideration of those determinations are pending.

Should the Commission decide to close, or to defer action, on Docket 16-42, the cable modem billing and marketing issues will remain. Prompt resolution of them will contribute to maintaining what it currently a robust retail market for cable modems, and will remove uncertainty for consumers, cable operators and equipment manufacturers.

Accordingly, Zoom asks that the Commission proceed to resolve the cable modem billing and marketing questions raised in Docket 16-42 as promptly as possible, and that any decision to close other aspects of that docket be limited to other issues that have been presented.

Sincerely,



Andrew Jay Schwartzman
Counsel for Zoom Telephonics, Inc.

cc. Matthew Berry
Nicholas Degani
Alison Nemeth
David Grossman
Robin Colwell
Michelle Carey
Martha Heller
Brendan Murray

¹See *Altice N.V.*, 31 FCCRcd 4365, 4380 (2016) at ¶32 (“We conclude that these issues are not transaction specific and thus are more appropriately addressed in the pending industry-wide rulemaking proceeding on navigation devices and, accordingly, we decline to resolve such contentions here.”); *Charter Communications, Inc.*, 31 FCCRcd 6327, 6447 (2016) at ¶247 (footnote omitted) (“We find that the ongoing navigation devices rulemaking proceeding is sufficient to protect the public interest with respect to New Charter's cable modem billing and marketing practices, and accordingly we decline to adopt the conditions that Zoom requests related to modem billing practices.”).