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September 15, 2016

Via ECFS

Marlene Dortch
Secretary,
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Notice of *Ex Parte* Presentations

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/New-
house 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 Ms. Dortch:

On September 15, 2016, Frank Manning, President and CEO of Zoom Telephonics, Inc. (“Zoom”), and Andrew Jay Schwartzman, counsel to Zoom, held separate meetings with Marc Paul, Legal Advisor to Commissioner Rosenworcel, David Grossman, Chief of Staff and Media Advisor to Commissioner Clyburn, Robin Colwell, Chief of Staff to Commissioner O’Reilly, Nicholas Degani, Legal Advisor to Commissioner Pai, and a single meeting with Jessica Almond, Legal Advisor to the Chairman, Gigi B. Sohn, Counselor to the Chairman and John Williams, Senior Counselor to the General Counsel. (Although the meeting was limited to discussion of Docket 16-42, out of an abundance of caution, this notice is also being filed in Dockets 15-149 and 15-257.)

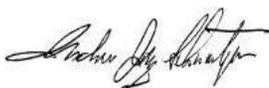
In each meeting, Zoom began by calling attention to the *ex parte* notice that Sam Feder, counsel to Charter Communications, Inc. (“Charter”) had filed at the close of business the day

before, September 12, 2016. In that presentation, Charter argues that as a result of the Commission's reclassification of broadband Internet access service as a common carrier service, Section 629 no longer applies to cable modems. Zoom did not discuss the arguments in the notice in great detail, but did point out that Charter is taking a new position completely at odds with its prior comments and other pleadings, and inconsistent with the fact that Charter signed a consent degree dated May 10, 2016 which expressly accepted the fact that the Media Bureau has jurisdiction to enforce Section 629 of the Communications Act as to cable modems. Zoom stated that the argument in the notice are wrong. It pointed in particular to the fact that the fundamental premise of the notice - that cable modems are not "equipment used by consumers to access...other services offered over multichannel video programming systems" within the meaning of Section 629 - relies on a novel and strained reading of the statute because a service does not need to be a cable service to be "offered over multichannel video programming systems." Zoom also explained that Charter's argument that the Commission cannot enforce Title VI authority with respect to a common carrier service offered alongside a Title VI service is at odds with decades of case law in areas such as pole attachments, data roaming and other matters upholding the Commission's authority when activities implicate multiple titles of the Communications Act.

Turning to the substance of the issues under consideration in Docket 16-42, Mr. Manning and Mr. Schwartzman reiterated Zoom's view that Section 629 creates a non-discretionary obligation on the Commission to require that cable operators' equipment leases must be stated as a separate line item on consumer bills and that the price for such leases must be a non-subsidized price. This requirement applies to both cable modems and set-top boxes. Absent such a requirement, consumers will not be able to discern that they can save money by purchasing a set-top box or cable modem.

With respect to the Commission's consideration of mandating that equipment be offered at a non-subsidized price, Zoom pointed out that there are several suggestions in the record as to means of defining a non-subsidized price. As Zoom explained in its initial comments in Docket 16-42, this can be a simple mechanism based on a presumption that could be tested on a case-by-case basis. Zoom stated that if a cable operator violates the requirement for charging a non-subsidized price, there should be a mechanism providing for prompt and inexpensive enforcement.

Respectfully submitted,



Andrew Jay Schwartzman
Counsel for Zoom Telephonics, Inc.

cc. Gigi Sohn
Jessica Almond
John Williams
David Grossman

Marc Paul
Robin Colwell
Nicholas Degani