Andrew Jay Schwartzman
600 New Jersey Avenue, NW
Room 312
Washington, DC 20001
(202) 662-9170
AndySchwartzman@gmail.com

July 13, 2015

Marlene Dortch
Secretary,
Federal Communications Commission
Washington, DC 20554

RE: 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

Dear Ms. Dortch:

On July 10, 2015, Frank Manning, President and CEO of Zoom Telephonics, Inc. ("Zoom"), and Andrew Jay Schwartzman, counsel to Zoom, met with William Lake, Michelle Carey, Mary Beth Murphy, Brendan Murray and Alison Neplokh of the Media Bureau and William Freedman of the Office of General Counsel. Susan Aaron of the Office of General Counsel participated by telephone.

Mr. Manning opened the discussion by describing the background of the Commission's and Congress's policies favoring development of a competitive customer equipment market, with key accomplishments including FCC Part 68 and the Telecommunications Act of 1996. He explained that customers who supply their own cable modem currently save $10 per month with Comcast and $8 per month with Time Warner Cable, but save nothing with Charter. He stressed that Charter's no-savings approach already hurts US retailers, and that bringing that policy to Time Warner Cable could severely hurt US retailing of cable modems, Zoom Telephonics, Time Warner Cable customers, and customer choice. He expressed the opinion that Charter's policy is in direct conflict with the intention of the Telecommunications Act of 1996.

Mr. Schwartzman then addressed the legal issues raised by Charter's cable modem certification and pricing policies. With respect to the certification questions, he explained that Zoom continues to work with Charter and that Zoom has presented a bridge cable modem to Charter for certification. However, Charter continues to require that gateway modems be certified by the Wi-Fi Alliance and that Charter assess their wireless performance. Mr. Manning explained that Wi-Fi Alliance certification is time-consuming and expensive, and does not concern itself with protecting the wide area network. As such, Wi-Fi Alliance certification has nothing to do with protecting the integrity of Charter's network. Other MSOs typically do not

examine cable modems' wireless performance as part of their process of certification for retail. Furthermore, most of Charter's wireless requirements are an example of a service provider using the certification process to extend its reach into the customer's local area network, a dangerous precedent.

With respect to Charter's pricing policies, Mr. Schwartzman reviewed Zoom's arguments as presented in the Comcast/TWC/Charter proceeding. He said that the plain language of Section 629 contemplated that customer equipment prices should be unbundled, and that the Commission has expressly ruled that cable modems are covered by Section 629. As such, the best reading of 47 CFR §76.1206 is that it prohibits unbundled pricing, and the Commission does not need to modify that provision in order to enforce it with respect to Charter. This reading is further supported by the Commission's longstanding policy of promoting a competitive customer equipment market under the public interest standard. Moreover, in light of the Commission's recent reclassification of broadband Internet service, he said that the regulation should also be examined in light of the Commission's Title II policies.

Respectfully submitted,

Andrew Jay Schwartzman

cc. William Lake
Mary Beth Murphy
Michelle Carey
Brendan Murray
Alison Neplokh
William Freedman
Susan Aaron