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VIA ECFS

October 14, 2015

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

RE: Docket 15-149

Dear Ms. Dortch:

On October 13, 2015, Zoom Telephonics, Inc. filed a *Petition to Deny, or in the Alternative, for Conditional Grant* in the above-captioned docket. As originally filed, the petition contained an earlier draft of Exhibit D. A revised copy of the petition with the corrected Exhibit D is submitted herewith.

Sincerely,

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Applications of Charter Communications, Inc.,	)	
Time Warner Cable Inc. and	)	MB Docket No. 15-149
Advance/Newhouse Partnership	)	
	)	
For Consent to Assign or Transfer	)	
Control of Licenses and Authorizations	)	

PETITION TO DENY, OR IN THE ALTERNATIVE, FOR CONDITIONAL GRANT

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TABLE OF CONTENTS

SUMMARY ii

INTRODUCTION 2

I. UNLIKE TWC AND COMCAST, CHARTER HAS NOT REASONABLY ALLOWED CUSTOMER-OWNED MODEMS TO BE ATTACHED TO ITS NETWORK. 5

A. Charter's Attachment Policies Until August 22, 2014 5

B. Charter's Attachment Policies As Of August 22, 2014 6

C. TWC and BHN Cable Modem Attachment Policies Allow Customers To Use Their Own Cable Modems, Including Modems With Advanced Technological Features 7

D. Charter's Unreasonable Certification Policies 8

E. Zoom Modems Present No Risk To Charter's Network 10

II. UNLIKE TWC AND BHN, CHARTER DOES NOT SEPARATELY STATE A PRICE FOR CABLE MODEM LEASING AND SUBSIDIZES THE COST OF LEASING 13

III. CHARTER'S ATTACHMENT AND PRICING PRACTICES ARE CONTRARY TO LAW AND FCC REGULATIONS AND ARE NOT IN THE PUBLIC INTEREST. 15

A. Section 629 and FCC Rules Promulgated Thereunder Cover Cable Modems and Prohibit Unreasonable Attachment Policies and Require Separately Stated, Unbundled Pricing for Cable Modems 15

1. Section 629 Covers Cable Modems 16

2. Charter's Attachment and Pricing Practices Violate Section 629 and FCC Rules Promulgated Thereunder 17

a. Implementation of The Right to Attach Cable Modems 17

b. The Requirement to Offer Unbundled and Non-subsidized

Modem Prices 18

B. Section 706 Gives the Commission Concurrent Authority over Attachment and Pricing of Cable Modems. 21

C. Sections 201 and 202 Give the Commission Additional Concurrent Authority over Attachment and Pricing of Cable Modems 23

D. Charter's Attachment and Pricing Practices Are Contrary to the Public Interest 24

CONCLUSION 27

SUMMARY

Founded in Boston in 1977, Zoom Telephonics, Inc. produces, markets, sells, and supports cable modems and other communications products, selling primarily through high-volume retailers including Best Buy, WalMart, Amazon and others. Zoom cable modems are certified for use as customer-owned cable modems by Comcast, Time Warner Cable (TWC), Bright House Networks (BHN), and other cable MSOs. Comcast, TWC, and BHN separately price cable modem leasing and Internet service, thereby offering a monthly savings to customers who use their own certified cable modem. Unlike these cable MSOs, Charter has been hostile to customer-owned cable modems. From June 2012 through August 2014, Charter publicly prohibited many customers from attaching their own modems, and from June 2012 through the present, Charter has bundled the price of a Charter-supplied modem into its charge for Internet service, not offering any monthly savings for customer-supplied cable modems.

Charter's cable modem policies violate the Commission's governing statutes, the public interest standard and regulations implementing them. Accordingly, the Commission should designate Charter's applications for hearing and either dismiss the applications or condition any action granting the application on the adoption of policies which comply with the law.

On August 22, 2014, three days before the deadline for filing petitions to deny Charter's now-abandoned acquisition of cable systems as part of the larger Comcast/TWC transaction, Charter announced that it would begin to allow customers to attach their own modems so long as they are certified by Charter. However, Charter's ongoing impediments to allowing customer-owned modems has been unreasonable and insufficient as a matter of law, especially given the limited number of modems that Charter has certified, their very limited availability from U.S.

retailers and their lack of important functionality. Most of the 22 Charter-certified modem models are unavailable at major brick and mortar retailers, and others are not easily available. Only three have wireless functionality, and none of them employ the 802.11ac standard. Even when a Charter customer purchases one of these modems from a retailer, Charter's unlawful pricing practices provide no financial incentive, thereby discouraging the purchase.

Charter explicitly states that if the Commission approves its proposed acquisition of TWC and BHN cable systems serving some 14.3 million broadband customers, Charter will extend its existing policies to those subscribers. Zoom and cable modem retailers will be harmed by the approval of these transfers of control. The public will also be harmed because Charter's policies reduce a Charter customer's cable modem choices and also attack retailers' cable modem sales and associated incentive for offering a broad range of cable modems to their customers.

Zoom's modems are rigorously tested and present no safety, interference or other risk to any cable operator's network.

Section 629 of the Communications Act requires cable operators to permit customers to employ customer-owned equipment so long as it does not jeopardize security. It also specifies that cable operators' rates for equipment covered by Section 629 be "separately stated and not subsidized....." The Commission has unequivocally ruled that cable modems are covered by Section 629.

Section 706 of the Telecommunications Act of 1996 directs the Commission to "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans..." The Commission's *2005 Internet Policy Statement*, adopted

pursuant to Section 706, declares that "consumers are entitled to connect their choice of legal devices that do not harm the network...," and that "consumers are entitled to competition among network providers, application and service providers, and content providers." Thus, Section 706 clearly empowers the Commission to require cable operators to allow cable modems to be attached to their network, and Section 706 also commits the Commission to insure competition in the affected markets, including the market for equipment such as cable modems.

Sections 201 and 202 of the Communications Act prohibit unjust and unreasonable practices and forbid discriminatory business practices. Because the Commission has declared that broadband Internet access service such as that provided by Charter is subject to regulation under Title II of the Communications Act, Sections 201 and 202 apply to Charter's attachment and pricing policies.

Subpart B of Part 76 of the Commission's rules implements the Commission's statutory mandate. These provisions establish customers' right to attach any non-harmful device to a cable system's network require cable operators to separately state the charge for cable modem leases and prohibit operators from subsidizing their equipment offerings. Charter's practices violate these rules.

Even if Charter's attachment and pricing policies did not violate Sections 201, 202 and 629 of the Communications Act, Section 706 of the Telecommunications Act, and the FCC's implementing regulations, they are contrary to the public interest in light of Congressional and FCC policies designed to promote competition and innovation by creating a retail market for customer premises equipment, including cable modems.

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PETITION TO DENY, OR IN THE ALTERNATIVE, FOR CONDITIONAL GRANT

Zoom Telephonics, Inc. respectfully submits this petition to deny the proposed transfers of licenses from Time Warner Cable Inc. (TWC) and Advance/Newhouse Partnership (BHN) to Charter Communications, Inc. (Charter). Zoom asks that the Commission designate the applications for hearing or, in the alternative, condition any grant of the applications upon Charter's full compliance with Sections 201, 202 and 629 of the Communications Act, Section 706 of the Telecommunications Act of 1996, the public interest standard, and FCC rules promulgated thereunder, including requirements that Charter adopt reasonable policies for customer attachment of modems to its systems, that Charter's rates for leasing cable modems be unsubsidized and unbundled, that Charter separately state a charge for cable modems leased from Charter, and that a customer not be subjected to this charge if the customer supplies his or her own cable modem.

As more fully discussed below, Charter had, from June 26, 2012, employed unlawful practices that prevented many of its subscribers from attaching customer-owned cable modems to Charter's network. Although on August 22, 2014, Charter began to allow some customer-owned cable modems to be attached to its network, it has pointedly refused to acknowledge its legal obligation to allow such attachments. And, to the extent that it has allowed attachment of

customer-owned modems, Charter has unlawfully imposed unreasonable technical limitations in certifying cable modems it will allow to be attached.

Insofar as Charter now does allow customers to supply their own modems, it improperly discourages its customers from doing so because it unlawfully bundles its cable modem rental fee with the price of Internet service. Because they receive no financial advantage from using customer-owned cable modems, Charter's customers are deprived of an important incentive to purchase their own modems and are thereby denied a key benefit of a competitive customer equipment market as contemplated by the Communications Act and Commission policy.

INTRODUCTION

The transactions under consideration by the Commission would result in Charter's acquisition of TWC systems currently serving approximately 12.25 million broadband customers[1] and BHN systems serving another 2.06 million broadband subscribers.[2]

TWC and BHN have had retail cable modem certification programs for years, and have charged separately for customer-supplied cable modems and Internet service, thereby providing a monthly savings for customer-supplied cable modems. By contrast, from June 26, 2012 through most of August 2014 Charter employed unlawful practices that prevented many of its subscribers from attaching customer-owned cable modems to Charter's network and that bundled the cable modems' price into the cost of its Internet service. On or about August 22, 2014, Charter changed its policies so that customers can, according to Charter's website, attach their own Charter-certified modems. However, Charter's August 22, 2014 requirements imposed

[1]Statement of Fiona Scott Morton, Exhibit D to Public Interest Statement at p. 2.
[2]*Id.*

unreasonable technical conditions that impeded the statutory goal of creating competition in the equipment market. While Charter has more recently relaxed some but not all of its unreasonable technical conditions, it has at no time conceded that its prior practices were unlawful; and Charter's past behavior makes it clear that the Commission should direct Charter not to resume its prior attachment policies.

Charter continues to impose unreasonable conditions for allowing attachment of customer-owned modems to its network. In particular, Charter insists on evaluating wireless performance on cable modems integrated with wireless routers and Charter requires such cable modems to have Wi-Fi Alliance certification. This is unrelated to the security of Charter's network and therefore violates Sections 201, 202 and 629 of the Communications Act, Section 706 of the Telecommunications Act of 1996, the public interest standard, and FCC rules promulgated thereunder. In imposing requirements related to wireless local area networking, Charter inappropriately extends its reach into customers' local area networks, well beyond the permissible practice of protecting Charter's wide area network. This is a dangerous intrusion into the customer's home.

Charter's pricing policies also violate the Sections 201, 202 and 629 of the Communications Act, Section 706 of the Telecommunications Act of 1996, the public interest standard, and FCC Rules promulgated thereunder. Unlike TWC and BHN, Charter charges a single bundled rate for Internet service and lease of a cable modem. Significantly, Charter has explicitly announced its intention to continue this practice and extend it to TWC and BHN customers. In its June 25, 2015 Public Interest Statement, it says that

> Consistent with Charter's current practices, we intend to offer these broadband services on a stand-alone as well as bundled basis, without data caps, usage-based

pricing, modem fees, or early termination fees.[3]

Because there is no cost saving for customers who attach their own modems, Charter's policies eliminate a key reason for consumers to purchase their own modems.

Founded in Boston in 1977, Zoom Telephonics, Inc. produces, markets, sells, and supports cable modems and other communications products. Currently Zoom is the third largest supplier of cable modems to retailers in the United States and the only one whose cable modem business is primarily through retailers and not through service providers. Zoom cable modems are used by customers of numerous cable MSOs, including customers of Comcast, TWC, Cox, and BHN.

The extension of Charter's business practices to its newly-acquired subscribers would grievously harm Zoom's ability to sell cable modems to its primary customers, U.S. retailers which sell cable modems including Best Buy, WalMart, Micro Center, Amazon and others.[4] Accordingly, Zoom has standing to file this petition.

U.S. retailers of cable modems would also be hurt along with Zoom because Charter's policies reduce the number of cable modems sold by retailers. If the proposed transactions are consummated, Charter will have approximately 21% of all U.S. wireline broadband customers and, significantly, nearly 30% of high-speed broadband customers.[5] Because of this, an increased number of retailer locations will be in Charter territories, territories where Charter's anti-competitive behavior will dramatically reduce retailer sale of cable modems. This will result in slow-moving inventory at stores in Charter territories, or a decision not to stock cable

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[3]Public Interest Statement at p. 3.
[4]See attached declaration of Frank Manning (Exhibit A).
[5]Public Interest Statement at p. 6.

modems in these locations. The retail cable modem market, already impacted by unusually high costs and delays associated with the current certification processes, will become even further restricted. This will also send an important and dangerous message to other cable operators, potentially further reducing or eliminating competition in the cable modem market.

Most importantly of all, the public will also be harmed by unconditional approval of the transactions because Charter's policies reduce consumer cable modem choices and increase the cost of service.

I. UNLIKE TWC AND BHN, CHARTER HAS NOT REASONABLY ALLOWED CUSTOMER-OWNED MODEMS TO BE ATTACHED TO ITS NETWORK.

Charter has had policies that prevented the use of customer-owned cable modems on its network. There is no assurance that Charter will allow existing TWC and BHN customers to attach Zoom modems in the future or even to continue using Zoom modems they already possess.

A. Charter's Attachment Policies Until August 22, 2014.

Unlike TWC and BHN, Charter has recently had policies that prevent customers from connecting customer-owned cable modems to its network. At one time, Charter had a cable modem certification program as part of a policy that allowed certified customer-owned modems to be installed on its systems. However, this changed, effective June 26, 2012. As of that date, Charter stopped allowing new customers and the many existing customers switching to Charter's New Package pricing, to attach customer-owed modems to the Charter network. Charter's website contained the following statement:

> **Note**: *Effective June 26, 2012 For new Internet Customers and customers switching to our New Package Pricing, we will no longer allow customer-owned modems on our network. In order to provide our customers powerful and reliable*

> *Internet service at a great value, we will provide modems included in Internet pricing under our New Package Pricing*.[6]

Charter warned customers, including those who may have purchased modems prior to June 12, 2012 that it would monitor modem use and require replacement of customer-owned modems it had identified:

> As part of our network monitoring, as we identify non compliant modems and gateways we may message our customers who need to replace their equipment.
>
> You may be notified by a bill message on your statement, an email, or you may receive a browser message like the example below requesting you to take action to provision compliant equipment on our network. This will require you to swap/replace your existing modem or gateway.[7]

Thus, Charter prevented many of its customers from attaching customer-owned modems to its network. At all times through the present, Charter-supplied modems are simple "bridge cable modems," which do not have router, wireless or telephony capabilities.

B. Charter's Attachment Policies As Of August 22, 2014.

Sometime during the day on August 22, 2014, three days before the deadline for filing petitions to deny Charter's applications to acquire and manage certain cable systems from Comcast, TWC and BHN, Charter modified its attachment policies as set forth on its website. Charter's new attachment policies purport to allow its customers to attach their own modems to its network. However, it bears emphasis that Charter has never conceded that its blanket refusal to allow customer-owned cable modems was unlawful. Absent Commission intervention,

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[6](Italics in the original.) The link has been changed. A screen shot of the website as of the morning of August 22, 2014 is attached as Exhibit B. An archived copy of the relevant page can be viewed at https://web.archive.org/web/20140222141349/http://www.myaccount.charter.com/customers/support.aspx?supportarticleid=2623

[7]*Id.*

Charter evidently believes it would be free to resume its prior attachment policies.

As of August 22, 2014, through the current time,[8] Charter's website states that

> Charter Internet customers are required to use a compliant device in order to use the Charter network without interruption and receive optimal service performance.[9]

Charter now identifies 22 modems as "compliant."[10] Of these, only 6 are available at one or more the two largest brick and mortar retailers - WalMart and Best Buy.[11] Of the 22 listed modems, only three offer wireless functionality, but none of them have 802.11ac, and one of the three is not available at Amazon, WalMart or Best Buy. Thus, as a result of Charter's restrictive policies, its subscribers are unable to take advantage of 802.11ac wireless capability. 802.11ac supports use of the less-crowded 5GHz band, increases wireless throughput dramatically, and represents a significant technical advance.

C. TWC and BHN Cable Modem Attachment Policies Allow Customers To Use Their Own Cable Modems, Including Modems With Advanced Technological Features.

TWC and BHN facilitate the use of customer-owned modems.

TWC's website has a page titled "Buy Your Own Modem."[12] It says

> You have the option of leasing your Internet modem from TWC or buying your own modem.[13]

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[8]Charter, TWC, BHN and Comcast urls used herein were last visited on October 7, 2015.

[9]https://www.myaccount.charter.com/customers/support.aspx?supportarticleid=2623 (Exhibit C).

[10]*Id.*

[11]This discussion does not take into account used or refurbished cable modems, the availability of which is variable and uncertain.

[12]http://www.timewarnercable.com/en/support/internet/topics/buy-your-modem.html (Exhibit E).

[13]*Id.*

TWC provides a list of thirty-three TWC certified DOCSIS 3.0 cable modems from a total of nine companies, including Zoom, at least 12 of which include wireless router capabilities, and at least 3 of which are 802.11ac capable.[14] The list includes cable modems that are stocked by Best Buy, Walmart, Staples, Office Depot, and other leading U.S. cable modem retailers. In addition, 26 more, older, modems are on a separate list of "allowed but not approved" modems.

BHN's "Modem Policy" page advises customers that

> You have the option of leasing a Modem from BHN, or you may use a DOCSIS-compliant Modem purchased from a third party retailer.[15]

BHN links users to a list of 25 readily available retail modems, at least 11 of which offer wireless, at least 5 of which are 802.11ac capable.[16]

D. Charter's Unreasonable Certification Policies.

After Charter ended its unlawful prohibition on customer-owned cable modems on August 22, 2014, Zoom diligently engaged in extensive discussions with Charter with a view towards obtaining certification. However, Charter did not provide Zoom with specific criteria for certification until December 12, 2014. Zoom believes that many of the cable modems that Charter currently lists as certified would not meet these requirements.

Zoom cable modems will meet any reasonable certification requirements. Indeed, as noted above, Zoom modems are approved for use on TWC, BHN, Comcast and many other MSOs' systems. However, Charter's specifications impose unreasonable requirements.

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[14]Comcast, the largest MSO, has even more expansive policies. Its website contains a list of 56 Comcast certified DOCSIS 3.0 compliant cable modems from 13 companies, including Zoom. At least 17 of these cable modems include wireless router or telephony capabilities. Several of them have 802.11ac capability. http://mydeviceinfo.comcast.net/ (Exhibit F).

[15]https://brighthouse.com/policies/policies/modem-policy.html (Exhibit G).

[16]*Id.*

For many months after it issued certification criteria in December, 2014, Charter insisted that it would not certify modems which did not support TR-069, a protocol for remote management of end-user devices such as cable modems. In the spring of 2015, Charter indicated that it would no longer require TR-069 support, which has finally enabled Zoom to submit a bridge modem to Charter for certification.

Even though Charter has relaxed its standards in some respects, Charter continues to insist that it must assess the wireless performance of gateway modems that provide wireless Internet access. It also requires that wireless gateway cable modems be certified by the Wi-Fi Alliance.

Charter's restrictive practices for gateway modems are especially important because Charter does not offer gateway modems for lease to its customers. As a result, Charter customers using a "free" bridge cable modem provided by Charter need to attach additional equipment if they want the capabilities of a wireless router. Instead of a single integrated device such as many of the devices certified by TWC and BHN, these Charter customers need an additional device if they want wireless router capabilities with their Charter service. This means that these customers need unsightly cables to connect the devices, and they need extra space to hold the devices. Since each connection introduces a potential connection failure, the reliability of such an arrangement is typically lower than an integrated device. A customer using two devices, a cable bridge and a router, needs to deal with two interfaces instead of one. In addition, a separate router need not meet Charter's wireless requirements, including Wi-Fi Alliance certification, so Charter's policy discriminates against routers built into a cable gateway.

Charters has been recalcitrant in allowing customer-owned cable modems and its current attachment policies as to gateway modems are unreasonable. Charter's wireless local area network performance criteria do not relate to wide area network security or any other aspect of a cable modem's impact on an ISP's wired network, and there is no legitimate reason why an ISP should be able to extend its reach into its customers' local area network. Similarly, expensive and time-consuming 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.

E. Zoom Modems Present No Risk To Charter's Network.

Zoom's modems are rigorously tested and present no safety, interference or other risk to any cable operator's network. Zoom modems are currently used on most cable systems, including those operated by TWC and BHN. Notwithstanding that fact, there is no assurance that Charter will allow existing TWC and BHN customers to attach Zoom modems in the future or even to continue using Zoom modems they already possess

Before a cable modem may be sold for use at home or the office in any part of the United States, for any cable service provider, it must undergo a plethora of FCC-mandated tests and meet a variety of standards. Different cable operators' certification programs vary both in terms of cost and the time needed to complete testing.

First, a cable modem must comply with FCC requirements set forth in Part 15, Subpart B of the Commission's regulations.[17] A cable modem must be tested to demonstrate that the electronic emissions radiated into the environment or conducted onto AC power lines by the

[17] *See* 47 CFR Part 15, Subpart B.

device are appropriately restricted and that the device is not susceptible to failure due to emissions received from another electronic device. Such testing usually costs between $6000 and $8000.

Second, cable modems with built-in wireless routers must be tested to comply with Part 15, Subpart C of the Commission's regulations[18] to make sure, for instance, that their wireless signals don't cause undue interference with other wireless equipment.

Third, to comply with requirements of the Occupational Health and Safety Administration (OSHA), for use in the workplace and to comply with the rules of some municipalities, cable modems must be safety tested. The requisite testing may be administered by any nationally recognized testing laboratory (NRTL). Underwriters Laboratories (UL) is the largest and most widely recognized NRTL. An NRTL tests cable modems for a variety of potential safety risks, such as fire, electric shock, and hot surfaces. Safety testing of a well-designed cable modem typically costs between $5000 and $9000, and typically takes six to eight weeks.

Fourth, cable modems must complete CableLabs testing. CableLabs is a research and development consortium of cable operators. CableLabs tests cable modems for adherence to a set of standards called the Data Over Cable Service Interface Specification ("DOCSIS"). These standards have been developed so that all equipment from all cable modem manufacturers can operate on the networks of all cable operators. DOCSIS includes radio frequency interface ("RFI") standards designed, among other considerations, to ensure that a cable modem will not inject harmful signals into a cable operator's network, and a Baseline Privacy Interface ("BPI")

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[18] *See* 47 CFR Part 15, Subpart C.

to ensure that a cable modem will not facilitate theft of services. DOCSIS also ensures that a cable modem will not transmit in a time slot reserved for another cable modem.

A cable modem manufacturer seeking certification from CableLabs first must conduct a suite of tests that verify its cable modem complies with DOCSIS standards and turn in appropriate documentation as part of its submission. Success in this part of the CableLabs certification is defined as passing every test, with not a single failure, unless CableLabs agrees to a documented exception. CableLabs itself then may run the cable modem through any or all of the tests specified in the DOCSIS test suite. CableLabs also evaluates how the cable modem handles large data flows over extended periods and tests for interoperability with other DOCSIS equipment in its laboratories. The interoperability testing evaluates in a realistic setting whether the cable modem injects harmful signals into the network and/or transmits at times reserved for other cable modems. CableLabs also verifies the validity of the cable modem's security mechanisms to ensure that the device will not facilitate theft of service.

CableLabs testing for a well-designed cable modem model generally costs $75,000 and takes twelve weeks to complete. Because CableLabs certification testing verifies that a cable modem adheres to DOCSIS specifications, it is extremely unlikely that a CableLabs-certified cable modem will inject harmful signals into a network, or otherwise cause electronic or physical harm to a network. DOCSIS specifications ensure within very stringent limits that a cable modem's signals will neither harm the provider's network nor interfere with other cable modems or equipment connected to that network. It is also extremely unlikely that a CableLabs-certified cable modem will facilitate the unauthorized receipt of service from a cable operator. DOCSIS specifications include the BPI security infrastructure that dramatically minimizes the possibility

that someone could steal service using a cable modem.

Once a cable modem model has received appropriate FCC certification and CableLabs certification, it may be attached to the networks of many cable operators in the United States. (In some workplaces and municipalities, safety certification may also be required.) Zoom cable modems are certified by the FCC, an NRTL and CableLabs.

II. UNLIKE TWC AND BHN, CHARTER DOES NOT SEPARATELY STATE A PRICE FOR CABLE MODEM LEASING AND SUBSIDIZES THE COST OF LEASING.

As noted above, until August 22, 2014, Charter's website stated that:

> *In order to provide our customers powerful and reliable Internet service at a great value, we will provide modems included in Internet pricing under our New Package Pricing*.[19]

As of August 22, 2014, Charter's website stated, and currently states, that

> As a Charter Internet customer, you are offered a compliant modem without any additional charge when you subscribe to a New Pricing and Packaging service tier. You may also choose to buy a modem that is certified by Charter to work with your Internet service.[20]

Thus, there has been no change in Charter's pricing policy for cable modems. Before and after August 22, 2014, Charter has bundled the cost of leasing a cable modem into the price it charges for Internet service. Although Charter says that "it offers modems for free...,"[21] its inclusive price cross-subsidizes the lease of a cable modem. Charter's rhetoric does not change the fact that a "free" modem, or one which is "included in Internet pricing" or made available

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[19]Exhibit B.

[20]Exhibit C.

[21]Charter *Reply to Comments and Opposition to Petitions to Deny*, Docket 14-57, September 24, 2014, at p. 25. Charter's website describes itself as offering to customers as "Free Internet Modem[s]." http://www.myaccount.charter.com/customers/support.aspx?SupportArticleID=59

"without additional charge" is being subsidized by Charter. In fact, Charter stresses that "Costs for CPE, including set-top boxes and cable modems, and their cost of installation, represented nearly half of Charter's capital expenditures in 2014."[22] Clearly, these significant costs are passed on to Charter's customers.

By contrast, both TWC and BHN separately state the price for leasing a cable modem. BHN generally charges $4.00 per month to lease a cable modem.[23] TWC generally charges $8.00 per month to lease a cable modem and $13.95 per month to lease a wireless gateway with 802.11ac functionality.[24]

Zoom has tried, without success, to convince Charter to comply with its statutory obligations. In its October 26, 2012 letter to Charter, Zoom stated that

> Zoom also views Charter's policy as a form of economic discrimination, since it forces a customer to rent a Charter modem whether or not the customer wants to do that. The fact that the cost of the cable modem is bundled into Charter's monthly service does not change that fact.[25]

Zoom continued to press the issue. In its December 6, 2013 letter to Charter, Zoom said that

> Zoom made it clear once again during our December 3 call that our view is that Charter needs to provide a reasonable savings to someone purchasing his or her own cable modem from a retailer. We are not trying to dictate a particular savings, but we are saying that the savings should reasonably reflect costs. We believe our position is supported by Section 629 of the Communications Act, 47 U.S.C. §549 and implementing regulations, including 47 [C.F.R.] §§[76.]1201, 1202, 1203 and 1206. These laws and regulations make it clear that Charter is required to separately state the cost of cable modems.[26]

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[22]Public Interest Statement at p. 31 (footnote omitted). *See also* Statement of Fiona Scott Morton, Exhibit D to Public Interest Statement at pp. 2-3 (discussing fixed investment costs).

[23]http://support.brighthouse.com/article/use-own-modem-with-hsi-service-9109/ (Exhibit H).

[24]Exhibit I.

[25]See Exhibit C.

[26]See Exhibit D.

Despite Zoom's efforts to obtain an amicable resolution of the question, Charter has refused to change its pricing policies.

III. CHARTER'S ATTACHMENT AND PRICING PRACTICES ARE CONTRARY TO LAW AND FCC REGULATIONS AND ARE NOT IN THE PUBLIC INTEREST.

Section 629 of the Communications Act and FCC regulations promulgated thereunder establish a right to attach customer-owned devices and requires that cable operators must separately state the price for cable modems that it sells or leases. The Commission is also empowered to require reasonable attachment policies and unbundled cable modem leasing prices under Sections 201 and 201 of the Communications Act, Section 706 of the Telecommunications Act, the public interest standard, and FCC regulations promulgated thereunder.

A. Section 629 and FCC Rules Promulgated Thereunder Cover Cable Modems and Prohibit Unreasonable Attachment Policies and Require Separately Stated, Unbundled Pricing for Cable Modems.

Section 629 of the Communications Act requires cable operators to permit customers to employ third party equipment so long as it does not jeopardize safety. It also requires that equipment prices be separately stated and not subsidized:

> **a) Commercial consumer availability of equipment used to access services provided by multichannel video programming distributors**
> The Commission shall, in consultation with appropriate industry standard-setting organizations, adopt regulations to ***assure the commercial availability, to consumers of multichannel video programming and other services offered over multichannel video programming systems, of converter boxes, interactive communications equipment, and other equipment used by consumers to access multichannel video programming and other services offered over multichannel video programming systems***, from manufacturers, retailers, and other vendors not affiliated with any multichannel video programming distributor. Such regulations shall not prohibit any multichannel video programming distributor from also offering converter boxes, interactive communications equipment, and other equipment used by consumers to access multichannel video programming and

> other services offered over multichannel video programming systems, to consumers, ***if the system operator's charges to consumers for such devices and equipment are separately stated and not subsidized by charges for any such service.***

(Emphases added.)

1. Section 629 Covers Cable Modems.

Section 629 reflects Congress' desire to promote competition in the equipment market. The title of the section broadly refers to "services provided by multichannel video programming distributors." The legislative history reflects Congress' view that "competition in the manufacturing and distribution of consumer devices has always led to innovation, lower prices, and higher quality."[27]

The Commission unequivocally ruled that cable modems are covered by Section 629, holding that

> Section 629 covers not just equipment used to receive video programming, but also equipment used to access "other services offered over multichannel video programming systems." Such equipment includes televisions, VCRs, cable set-top boxes, personal computers, program guide equipment, ***and cable modems.***[28]

The Commission considered and rejected arguments that Section 629 does not apply to cable modems and reiterated that

> ***We believe that the statutory language of Section 629 indicates that its reach is to be expansive and*** that Section 629 neither exempts nor limits any category of equipment used to access multichannel video programming or services offered over such systems from its coverage. Equipment used to access video programming and other services offered over multichannel video programming systems include televisions, VCRs, cable set-top boxes, personal computers, program guide equipment *and cable modems.*[29]

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[27]Rept. No. 104-204, 104th Cong., 1st Sess. 112 (1995).
[28]*Id.*, 13 FCC Rcd at 14776.
[29]*Id.*, 13 FCC Rcd at 14784 (Emphasis added).

Most recently, in the National Broadband Plan, the Commission reaffirmed that Section 629 covers cable modems.

2. Charter's Attachment and Pricing Practices Violate Section 629 and FCC Rules Promulgated Thereunder.

Section 629 directs the Commission to

> assure the commercial availability of...equipment used by consumers to access multichannel video programming and other services offered over multichannel video programming systems,...

It also provides that if cable operators lease equipment, including modems, to consumers, the

> charges to consumers for such devices and equipment [must be] separately stated and not subsidized by charges for any such service.

As described above, Charter's attachment practices are unreasonable, and therefore do not "assure the commercial availability" of Zoom's modems to consumers. Charter cannot, and does not, dispute that it does not separately price its cable modems and Internet service. Nor can it plausibly argue that it does not subsidize the cost of leasing cable modems. Thus, it is in clear violation of Section 629.

a. Implementation of The Right to Attach Cable Modems.

In 1998, having determined that cable modems are within the scope of equipment covered by Section 629, the Commission adopted three separate provisions to establish and fortify consumers' rights to attach devices of their choosing to a multi-channel video provider's (MVPD) network. 47 CFR §76.1201 sets forth the "[r]ights of subscribers to use or attach navigation devices":

> No multichannel video programming distributor shall prevent the connection or use of navigation devices to or with its multichannel video programming system, except in those circumstances where electronic or physical harm would be caused by the attachment or operation of such devices or such devices may be used to

assist or are intended or designed to assist in the unauthorized receipt of service.

To insure that cable operators would not interfere with the right to attach, Section 76.1202 forbids any MVPD to

> by contract, agreement, patent right, intellectual property right or otherwise prevent navigation devices that do not perform conditional access or security functions from being made available to subscribers from retailers, manufacturers, or other vendors that are unaffiliated with such owner or operator,..."

Section 76.1203 places a limit on technical specifications for devices such as modems. It specifies that any MVPD's "standards and descriptions of devices that may not be used with or attached to the system...shall foreclose the attachment or use only of such devices as raise reasonable and legitimate concerns of electronic or physical harm or theft of service."

b. The Requirement to Offer Unbundled and Non-subsidized Modem Prices.

To implement the pricing provisions of Section 629, the Commission adopted an anti-subsidy provision in Section 76.1206, which prohibits rate regulated MVPDs from bundling modems with Internet service prices:

> Multichannel video programming distributors offering navigation devices subject to the provisions of §76.923 for sale or lease directly to subscribers, shall adhere to the standards reflected therein relating to rates for equipment and installation and ***shall separately state the charges to consumers for such services and equipment.***

(Emphasis added.)

There is some ambiguity created Section 76.1206's cross-reference to Section 76.923. The best reading is that Section 76.1206 applies to all rate-regulated MVPDs which offer any kind of equipment for lease, whether or not that equipment is used to receive the basic tier of video services. As such, cable modems pricing must be separately stated and not subsidized.

Section 76.923 applies to all MVPD's, except in systems where there is effective

competition. In regulated systems, Section 76.923 sets forth rate regulations, including anti-subsidy and anti-bundling requirements, for

> all equipment in a subscriber's home, provided and maintained by the operator, that is used to receive the basic service tier, regardless of whether such equipment is additionally used to receive other tiers of regulated programming service and/or unregulated service.[30]

Section 76.1206 could be read as referring to "equipment...subject to the provisions of §76.923...." Since cable modems are not necessarily devices "subject to the provisions of §76.923...," that reading would not extend the anti-bundling and anti-subsidy requirements to cable modems.

However, the better reading is that Section 76.1206 refers to all "[m]ulti-channel video programming distributors...subject to the provisions of §76.923...," and is intended to extend the requirements of the pre-existing Section 76.923 to all equipment covered by Section 629. Thus, any MVPD which offers "navigation equipment for lease" is also subject to the requirements of Section 76.1206, and must therefore adhere to rate regulations and the requirement to separately state their prices for equipment subject to Section 629, *i.e.*, cable modems.

There are three reasons why this is the superior reading of Section 76.1206. First, it would be illogical that a statute intended to promote competition and innovation would be implemented so as to afford a right to attach but allow pricing schemes, such as Charter's, that would remove any incentive for customers to enter the retail market and purchase a customer-owned modem.[31] As *USA Today* explained in an article entitled "Should You Buy Your Own

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[30]47 CFR §76.923(a)(1).

[31]Customers tend to misperceive the subsidized unbundled price as amounting to a "free" modem. *See, e.g.*, http://boards.straightdope.com/sdmb/showthread.php?t=711616 ("Times have changed. My cable company, Charter, now offers 100% free modems (no install charge if you do it yourself) with DOCSIS 3.0. Why should I buy one that might work when Charter gives me one

Modem?"

> In some cases, however, there's no point to buying your own. Cablevision folds the cost of a modem into its charge for Internet service, and Charter switched to that system last summer.[32]

Second, it is important to note that Section 73.923 was adopted in 1993, before cable modems were available in the commercial market.[33] Even then, the Commission saw that Congress intended that its jurisdiction over rates for cable equipment was broad:

> We believe that Congress included equipment and installation in the definition of cable programming services to prevent cable operators from avoiding regulation of equipment, if any, used to provide cable programming services alone or in conjunction with unregulated services."[34]

Thus, had cable modems been in use in 1993, the Commission would have written Section 76.923 to cover them explicitly. This comports with the view that the Commission, acting in 1998 extended the broad reach of Section 76.923 to include cable modems.

Third, and most importantly, it is impossible to reconcile the express anti-subsidy and anti-bundling requirements of Section 629 with a reading of Section 76.1206 which does not apply to cable modems. As noted above, the Commission clearly ruled in the very same order that cable modems are covered by Section 629. To say that cable operators could fail to separately state prices for cable modems, or subsidize them, would render the last sentence of Section 629 to be a nullity. It is a basic principle of administrative law that a regulation should be

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free that is guaranteed to work?")

[32] http://www.usatoday.com/story/tech/columnist/2013/08/18/cable-modem-alternatives-internet/2661689/ (August 13, 2013)

[33] *Implementation of Section of the Cable Television Consumer Protection and Competition Act of 1992 - Rate Regulation*, 8 FCC Rcd 5631 (1993).

[34] *Id.*, 8 FCC Rcd at 5807.

interpreted so as to avoid conflict with a governing statute.[35] If Section 76.1206 were to be read as not applying the terms of Section 629 to cable modems, it would be void.[36]

Finally, as explained above, Section 706 affords an entirely independent basis for requiring that cable modem rates be separately stated and not subsidized. Since Section 706 was adopted contemporaneously with Section 629, the two must be read together. Applying the Commission's Section 706 authority to Section 76.1206 thus supports this result.

B. Section 706 Gives the Commission Concurrent Authority over Attachment and Pricing of Cable Modems.

Section 706(a) of the Telecommunications Act of 1996 gives the Commission a broad mandate to

> encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) by utilizing, in a manner consistent with the public interest, convenience, and necessity,...regulating methods that remove barriers to infrastructure investment.

Section 706(b) directs the Commission to

> determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion. If the Commission's determination is negative, it shall take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market.

In its most recent inquiry into advanced telecommunications capability, the Commission "conclude[d] that broadband is not being deployed to all Americans in a reasonable and timely

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[35] *See, e.g., Caldera v. J.S. Alberici Constr. Co.*, 153 F.3d 1381, 1383 n.** (Fed. Cir.1998) ("Statutes trump conflicting regulations"); *Wolf Creek Collieries v. Robinson*, 872 F.2d 1264, 1267 (6th Cir.1989) ("statutory language ... prevail[s] over inconsistent regulatory language").

[36] *See American Airlines, Inc. v. Transportation Security Administration*, 665 F.3d 170, 176 (D.C. Cir. 2011)("'a regulation contrary to a statute is void.'") (*quoting Orion Reserves Ltd. P'ship v. Salazar*, 553 F.3d 697, 703 (D.C. Cir. 2009)).

fashion."[37] The Commission thus has the obligation to "take immediate action to accelerate deployment...."

Part of the Commission's mandate under Section 706 is to create a competitive market for equipment which will accelerate deployment by reducing prices and promoting technological innovation. This was recognized in the Commission's *2005 Internet Policy Statement*, which was adopted pursuant to Section 706(a).[38] There, the Commission concluded that it had

> a duty to preserve and promote the vibrant and open character of the Internet as the telecommunications marketplace enters the broadband age. To foster creation, adoption and use of Internet broadband content, applications, services and ***attachments,*** and to ensure consumers benefit from the innovation that comes from competition, the Commission will incorporate...[four]...principles into its ongoing policymaking activities.[39]

To emphasize the importance of its reference to "attachments," the third of the four principles adopted in the *2005 Internet Policy Statement* clearly set forth that

> ***To encourage broadband deployment and preserve and promote the open and interconnected nature of the public Internet,*** consumers are entitled to *connect* ***their choice of legal devices*** that do not harm the network.[40]

Thus, Section 706 empowers the Commission to require cable operators to allow cable modems to be attached to their network. And it also commits the Commission to insure competition in the affected markets, including the market for equipment such as cable modems.

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[37]*2015 Broadband Progress Report and Notice of Inquiry On Immediate Action to Accelerate Deployment*, 30 FCC Rcd 1375, 1377 (2015).

[38]*Internet Policy Statement Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, 20 FCC Rcd 14986 (2005) (citing *Hush-A-Phone Corp. v. United States*, 238 F.2d 266, 269 (D.C. Cir. 1956) and *Carterfone*, 13 FCC 2d 420 (1968))(*2005 Internet Policy Statement*).

[39]*Id.*, 20 FCC Rcd at 14988.

[40]*Id.* (first emphasis in the original).

C. Sections 201 and 202 Give the Commission Additional Concurrent Authority over Attachment and Pricing of Cable Modems.

Section 201(a) of the Communications Act provides that

> All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is declared to be unlawful;

Section 202(a) of the Communications Act declares that

> It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

Under the Commission's *2015 Open Internet Order*,[41] when a cable operator provides broadband Internet access service, it is subject to the provisions of Sections 201 and 202.

Unreasonable refusal to allow attachment of non-harmful devices and bundling of cable modem leases with Internet service are "practices, classifications and regulations" which are "unjust and unreasonable," and thus unlawful under Section 201(b). As discussed at pp. 9-11 *supra*, Charter's unreasonable attachment policies interfere with creation of a competitive market for equipment, and discriminate in favor of Charter's cable modem leasing business and against competitive equipment providers such as Zoom. As such, they violate Section 202(a).[42]

D. Charter's Attachment and Pricing Practices Are Contrary to the Public Interest.

Even if Charter's attachment and pricing policies did not directly violate the

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[41] *Protecting and Promoting the Open Internet*, 30 FCCRcd 5601 (2015).

[42] *Carterfone*, 13 FCC2d, 420, 426 (1968), *reconsideration denied*, 14 FCC2d 571 (1968). *See also*, *Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service*, 56 FCC2d 593, 595 (1975).

Commission's rules, as well as Sections 201, 202 and 629 of the Communications Act and Section 706 of the 1996 Telecommunications Act, the Commission must still make a determination as to whether the proposed transaction are in the public interest.

> If the transaction would not violate a statute or rule, the Commission considers whether a grant could result in public interest harms (by substantially frustrating or impairing the objectives or implementation of the Act or related statutes) or public interest benefits.[43]

Practices, such as Charter's, which undermine Commission policies, are not in the public interest. As the Commission has explained,

> In making this determination, we first assess whether the proposed transaction complies with the specific provisions of the Communications Act, other applicable statutes, and the Commission's rules. If the proposed transaction would not violate a statute or rule, the Commission considers whether it could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the Communications Act or related statutes. The Commission then employs a balancing test weighing any potential public interest harms of the proposed transaction against the potential public interest benefits. The Applicants bear the burden of proving, by a preponderance of the evidence, that the proposed transaction, on balance, serves the public interest. If we are unable to find that the proposed transaction serves the public interest for any reason, or if the record presents a substantial and material question of fact, we may designate the application for hearing.[44]

Thus, the public interest evaluation broadly looks at Commission policy. In designating a hearing in the EchoStar/DirecTV proceeding, the Commission stressed that the public interest determination

> necessarily encompasses the "broad aims of the Communications Act," which includes, among other things, preserving and enhancing competition in relevant

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[43] *Belo Corp., LLC*, 28 FCC Rcd 16867, 16877 (2013); *Adelphia Communications Corporation, (And Subsidiaries, Debtors-in-possession)*, 21 FCC Rcd 8206, 8207 (2006)(Footnote omitted.)("If the transactions would not violate a statute or rule, the Commission next considers whether the transactions could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the Communications Act or related statutes.")

[44] *Verizon Communications Inc. and MCI, Inc.*, 20 FCC Rcd 18433, 18443 (2005)(footnotes omitted).

> markets, ensuring that a diversity of voices is made available to the public, and accelerating private sector deployment of advanced services.[45]

In determining whether it is in the public interest to allow Charter to acquire cable systems whose customers currently have full attachment rights and access to unbundled pricing for cable modems, the Commission must look to fundamental policy favoring competition in the equipment market. The Telecommunications Act of 1996 expresses a strong policy preference for promoting competition in all markets, including equipment.[46] Indeed, it has been a cornerstone of federal policy at least since the break-up of AT&T that competition in the CPE market is preferable and leads to lower prices for consumers. As the Commission has said,

> [C]ompetition in the navigation equipment market is central toward encouraging innovation in equipment and services, and toward bringing more choice to a broader range of consumers at better prices.[47]

Congress specifically addressed competition in equipment markets in Section 629, where it "sought to have the marketplace offer consumers a choice over a broad range of equipment."[48] In its *2005 Internet Policy Statement*, issued pursuant to Section 706, the Commission declared that "consumers are entitled to connect their choice of legal devices that do not harm the network."[49] The Commission must also evaluate Charter's practices in light of the "national

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[45]*In re EchoStar Communications Corporation*, 17 FCC Rcd 20559, 20575 (2002).

[46]The Conference Report to the 1996 Telecommunications Act characterized the intent of Congress as being:

> to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector development of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition....

S. Conf. Rep. 104-230, 104th Cong. 2d Sess. at 113 (1996) (Joint explanatory statement of Committee of Conference).

[47]*Implementation of Section 304 of the Telecommunications Act of 1996*, 13 FCC Rcd 14775, 14784 (1998).

[48]*Id.*

[49]*2005 Internet Policy Statement*, 20 FCC Rcd at 14987 (2005) (citing *Hush-A-Phone Corp. v. United States*, 238 F.2d 266, 269 (D.C. Cir. 1956) and *Carterfone*, 13 FCC 2d 420 (1968) (*2005 Internet Policy Statement*).

Internet policy" set forth in Section 230(b) of the Communications Act.[50] As the Commission has explained, Section 230(b) "states that it is the policy of the United States 'to preserve the vibrant and competitive free market that presently exists for the Internet' and "to promote the continued development of the Internet.'"[51]

These strong expressions of policy demonstrate that there is a strong public interest in insuring that consumers have access to a vibrant, competitive and innovative market for cable modems. Charter ignores the benefits of competition in nonetheless attempting to argue that extending its pricing and attachment policies to millions of additional customers will cause no harm. In the Comcast/TWC proceeding, it even argued that, since "Charter's policy of not charging for cable modems benefits consumers because it saves them money." Opp at 25.

The premise that Charter is "not charging" its customers is untrue on its face. Bundling the price of a cable modem with the charge for Internet service is not the same thing as "not charging for cable modems." It bears notice in this regard that Section 629 prohibits both bundling and subsidies. There is no reason to believe that Charter is not making a profit on cable modem rentals, but even if that were so, as Charter itself explains, the capital investment it makes in cable modems is significant, not zero. Thus, even if Charter were, indeed, absorbing the cost of providing modems, that would be a subsidy in clear violation of Section 629 and the Commission's policy favoring competition in the equipment market.

In claiming that its customers benefit from its refusal to unbundle cable modem leasing from Internet service, Charter ignores the two important advantages of a competitive market. Not only does competition lead to price competition and lower prices, but it also stimulates innovation. Indeed, as shown by Charter's failure to offer leasing of cable modems with wireless

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[50] *2005 Internet Policy Statement*, 20 FCC Rcd at 14987.
Id., citing 47 USC §§230(b)(1)-(2).

router capacity, Charter routinely deprives its customers of the benefits of competitive technology.

CONCLUSION

Unless Charter's cable modem policies change, allowing Charter to acquire cable systems currently owned by TWC and BHN will harm Zoom, harm U.S. retailers of cable modems, and deny millions of Charter customers cable modem rights they deserve. Charter's recent efforts to modify its attachment policies are incomplete and inadequate, given the limitations of the listed modems and their very limited availability from U.S. retailers. Even when Charter customers can obtain and use customer-owned modems, Charter's pricing practices remove a key financial incentive to do so.

Taken together, Charter's anti-competitive practices damage the market for cable modems and impair the innovation that comes with fully-functioning competitive markets that offer a choice of devices with innovative functionality.

Section 629 was enacted to prevent this result. It applies to cable modems, and is designed to create a competitive environment that encourages technological progress. Section 706 reinforces that power. Sections 201 and 202, perhaps the strongest statutory provisions in the Commission's arsenal, clearly prohibit unjust, unreasonable and discriminatory practice. Under these statutory provisions, the Commission has adopted rules and policies to assure that there is a vibrant and competitive equipment market. All of this leads inexorably to the conclusion that allowing Charter to extend its policies to more than 14 million current customers, and many more in the future, is contrary to the public interest.

For the reasons set forth above, there are substantial and material questions of fact as to whether grant of the applications would be contrary to Sections 201, 201 and 629 of the

Communications Act, Section 706 of the Telecommunications Act of 1996, the public interest standard, and FCC Rules promulgated thereunder. Accordingly, Zoom asks that the Commission designate the applications for hearing; that the Commission deny the applications or, in the alternative, condition any grant of the applications upon requirements that Charter adopt reasonable policies for attachment of customer-owned modems to its systems; that the Commission require that Charter's rates for leasing cable modems be unsubsidized and unbundled; and that the Commission require Charter to separately state a charge for cable modems leased from Charter.

Respectfully submitted,

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October 13, 2015

EXHIBIT A

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Applications of Charter Communications, Inc.,	)	
Time Warner Cable Inc. and	)	MB Docket No. 15-149
Advance/Newhouse Partnership	)	
	)	
For Consent to Assign or Transfer	)	
Control of Licenses and Authorizations	)	

DECLARATION OF FRANK MANNING

I am President and CEO of Zoom Telephonics, Inc. I have knowledge of the facts set forth in the foregoing Petition to Deny, or in the Alternative, for Conditional Grant. To the best of my knowledge and belief, those facts are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

October 13, 2015

Frank Manning

EXHIBIT B

Compliant and Non Compliant Modems/Gateways on Charter's Network

Note: *Effective June 26, 2012 For new Internet Customers and customers switching to our New Package Pricing, we will no longer allow customer-owned modems on our network. In order to provide our customers powerful and reliable Internet service at a great value, we will provide modems included in Internet pricing under our New Package Pricing.*

General Info

Compliant General Info

Non compliant General Information

Customer Notification

Identifying Your Equipment

Cable Modems

Routers

Gateway

Quick Links

Modem Replacement Program

Restarting Your Cable Modem

Charter WiFi

Customer Owned Wireless Home Networking

Compliant/Supported Modems/Gateways General Information

Charter Internet subscribers are required to use a compliant device in order to use the Charter network without interruption and receive optimal service performance. Devices identified as non compliant are subject to intermittent or no service due to network updates. Charter continues to provide customers with the most up-to-date equipment, compliant with our network, to ensure services work as intended.

Any device considered non compliant must be replaced with a compliant device.

Modems and gateways identified as non compliant include devices that are phased out due to older versions of firmware that are unable to receive updates.

Charter Internet is compatible with most DOCSIS 2.0 and DOCSIS 3.0 devices. Please note that Charter's Plus, Max (Grandfathered) and Ultra Speeds require a DOCSIS 3.0 device to ensure you experience the full upload and download speeds that those packages offer.

Non compliant/Unsupported Modems/Gateways General Information

Modems and gateways installed with outdated firmware that have been identified and that cannot be updated.

If you attempt a self install and our network identifies your modem or gateways to be incompatible you may not be able to complete your installation. Your device is recognized automatically by the provisioning process (https://install.charter.com/) and will not be provisioned. If this happens you will presented the following on-screen message:

> *Activation of this device has been prohibited. Firmware on the device does not function properly with the Charter network and cannot be upgraded. Please use a different device or contact Charter at 888-438-2427.*

The non compliant device cannot be installed on the Charter network and you must install and use a more compliant modem or gateway device.

Customer Notification

As part of our network monitoring, as we identify non compliant modems and gateways we may message our customers who need to replace their equipment.

You may be notified by a bill message on your statement, an email, or you may receive a browser message like the example below requesting you to take action to provision compliant equipment on our network. This will require you to swap/replace your existing modem or gateway.

If you have a modem, you will be directed to utilize the self-help modem replacement website. If you do**not** install a complaint device after the initial notice you may be presented with several **reminder** notifications (approximately every 2 days).

Upon receipt of the new equipment, you must install the device using the provided instructions.

If you receive a notice and you subscribe to our Charter WiFi service or have a Gateway you will need to contact us to schedule a professional install by our technicians.

Identifying Your Equipment

Cable Modems

A cable modem is a piece of equipment that connects your computer or router to the Internet via Charter's network. A cable modem has two connections: one that leads to the cable lines outside your home, and another that is an Ethernet or USB connection, which leads to the computer(s) or router inside your home.

The back of a cable modem will look like the following:

The model numbers are generally located on the back or the bottom of your equipment

Routers

A router is an additional piece of equipment that connects to your cable modem that allows you to connect multiple devices either wired or wirelessly.

The model numbers are generally located on the back or the bottom of your equipment.

Gateway

A Gateway is a combined cable mode and router all in one.

The model numbers are generally located on the back or the bottom of your equipment.

EXHIBIT C

Compliant Modems on Charter's Network

General Information

Charter Internet customers are required to use a compliant device in order to use the Charter network without interruption and receive optimal service performance. Devices identified as not compliant may be subject to intermittent or no service.

Compliant Modems

As a Charter Internet customer, you are offered a compliant modem without any additional charge when you subscribe to a New Pricing and Packaging service tier. You may also choose to buy a modem that is certified by Charter to work with your Internet service.

Below are the modems that are compliant with all current Charter Internet tiers.

Vendor	Model
ARRIS	SB6183
ARRIS	TM802G
ARRIS	TM804G
ARRIS	TM822A
ARRIS	TM822G
ARRIS	TM902A
ARRIS	TM1602A
CISCO SYSTEMS	DPC3008
CISCO SYSTEMS	DPC3010
CISCO SYSTEMS	DPC3208
CISCO SYSTEMS	DPC3216
CISCO SYSTEMS	DPC3825
MOTOROLA	SB6141
MOTOROLA	SBG6580
NETGEAR	CG3000D
NETGEAR	CM400
NETGEAR	CM500
UBEE	DDW3612

Below are the modems that are compliant with Charter Internet tiers up to 60Mbps

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Vendor	Model
MOTOROLA	SB6120
MOTOROLA	SB6121
UBEE	U10C035
SMC NETWORKS	SMCD3GN-RES

View Sample Questions Ask ▶

TOP FAQs

Internet ▼

Find WiFi Name/Password
Connecting Wireless Devices
Restart Cable Modem
Charter Security Suite

VIDEOS & HELP TOOLS

Changing Services / Moving
Equipment & User Guides
Self Help Videos and Demos

RESIDENTIAL SUPPORT

Ask Charter ▶

BUSINESS SUPPORT

Click Here ▶

ONLINE ORDER HELP

To check the status of your online order or for help with your order, please call **1-855-839-4691**.

How useful was this information?

"1" is the least useful and "5" being most useful.

We welcome your feedback. Click **Send** after you have made a selection.

1 2 3 4 5

Send ▶

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BBB ACCREDITED BUSINESS

EXHIBIT D

AVAILABILITY FOR CHARTER'S LIST OF RETAIL CERTIFIED CABLE MODEMS AND GATEWAYS, ON AMAZON.COM, WALMART.COM AND BESTBUY.COM ON 10/7/2015

(Modems not listed on a retailer's website are not available at that retailer's brick and mortar stores.)

	Wi-Fi		Best Buy	Walmart	Amazon
	N-only	AC			
Arris TM 802G	X	X	X	X	O
Arris TM804G	X	X	X	X	X
Arris TM822A	X	X	X	X	X
Arris TM 822G	X	X	X	X	√
Arris TM902A	X	X	X	X	√
Arris TM1602A	X	X	X	X	X
Cisco DPC3008	X	X	X	X	√
Cisco DPC3010	X	X	X	X	√
Cisco DPC3208	X	X	X	X	X
Cisco DPC3216	X	X	X	X	X
Cisco DPC3825	√	X	X	X	X
Motorola SB6120	X	X	X	X	√
Motorola SB6121	X	X	X	√	√
Motorola SB6141	X	X	√	√	√
Motorola SBG6580	√	X	√	√	√
Netgear CG3000D	√	X	X	X	√
Ubee DDW3612	X	X	X	X	X
Ubee U10C035	X	X	X	X	O
SMC SMCD3GN-RES	X	X	X	X	√
Arris SB6183	X	X	√	√	O
Netgear CM400	X	X	√	√	√
Netgear CM500	X	X	√	√	√

√ - Available

X - Unavailable

O - Currently unavailable or used only

EXHIBIT E

Our services may not be available in 20057. If this is not your ZIP Code, please enter your ZIP Code here. If it is correct, visit **cablemover.com** to contact the cable provider that serves your area or call 1-855-394-6832.

20057 GO

Buy Your Own Modem

Instructions for activating your modem > Should you lease or buy your modem?

1. Know Your Internet Plan

Find your plan and download speed in this chart, then refer to the list of modems that can accommodate the speed you want.

Ultimate	up to 50Mbps
Extreme	up to 30Mbps
Turbo	up to 20Mbps
Standard	up to 15Mbps
Basic	up to 6Mbps
Everyday Low Price	up to 2Mbps

2. Choose the Right Modem

Printer-friendly list of approved modems

The following modems have been approved for use with TWC Internet service. The list shows brand, model, download speed and a link to see details.

ARRIS / Motorola	SB6121	up to 50Mbps
	View Details	
Netgear	CMD31T	up to 50Mbps
	View Details	
D-Link	DCM301	up to 100Mbps
	View Details	
ARRIS / Motorola	SB6141	up to 100Mbps
	View Details	
ARRIS / Motorola	SBG6580	up to 100Mbps
	View Details	
ARRIS / Motorola	SBG6782AC	up to 100Mbps
	View Details	

Show Fewer Modems

ARRIS / Motorola	SB6120	up to 50Mbps
	View Details	
ZyXEL	BRG-35503	up to 50Mbps
	View Details	
ARRIS / Motorola	CM820A	up to 100Mbps
	View Details	
ARRIS / Motorola	SBG6400	up to 100Mbps
	View Details	
ARRIS / Motorola	SBG6700-AC	up to 100Mbps
	View Details	
Cisco	DPC3008	up to 100Mbps
	View Details	
Netgear	C3000-100NAS	up to 100Mbps
	View Details	
Netgear	C3700-100NAS	up to 100Mbps
	View Details	

Netgear	CM400	up to 100Mbps
	View Details	
Netgear	N450 CG3000Dv2	up to 100Mbps
	View Details	
TP-Link	TC-7610	up to 100Mbps
	View Details	
Zoom	5341	up to 100Mbps
	View Details	
Zoom	5341J	up to 100Mbps
	View Details	
Zoom	5345	up to 100Mbps
	View Details	
Zoom	5350	up to 100Mbps
	View Details	
Zoom	5352	up to 100Mbps
	View Details	
Zoom	5354	up to 100Mbps
	View Details	
Zoom	5360	up to 100Mbps
	View Details	
Zoom	5363	up to 100Mbps
	View Details	
ZyXEL	CDA30360	up to 100Mbps
	View Details	
ARRIS / Motorola	SB6183	up to 300Mbps
	View Details	
Netgear	C6300	up to 300Mbps
	View Details	
Netgear	C7000-100NAS	up to 300Mbps
	View Details	

Netgear	CM500-100NAS	up to 300Mbps
	View Details	
SMC Networks	D3CM1604	up to 300Mbps
	View Details	
TP-Link Archer	CR700	up to 300Mbps
	View Details	
Zoom	5370	up to 300Mbps
	View Details	

Additional Modem Options

If you already own your modem but don't see your model on the approved modem list, please consult the list of allowed but not approved modems that can be activated. These devices do NOT meet requirements to be considered approved.

List of allowed modems

3. What Do I Do Next?

Shop Plans

Make sure you have the best plan for your needs, whether you're adding Internet service or want to upgrade.

Compare Internet Plans ›

Purchase Your Modem

Time Warner Cable does not sell Internet modems. You can purchase a new modem online (such as amazon.com, tigerdirect.com, etc.) or at your local retail store (such as Best Buy, Target, Wal-Mart, etc.).

Activate Your Modem

After you have purchased and connected your modem, you'll need to activate it.

Learn how to activate your modem ›

Packages

Review our current
offers and deals.

See all packages ›

Shop Now

Order TV, Internet and Phone services that fit you.

Get started ›

TWC Stores

Shop, pay your bill, exchange equipment at select locations.

Find a location near you ›

Contact TWC

Find answers to common questions,
chat online or call us.

Contact us ›

Product

- Packages
- TV
- Internet
- Phone
- IntelligentHome

Services

- Pay Your Bill Online
- Ways to Pay Your Bill
- Moving?
- My Account Login
- TWC Apps
- Check Email
- On Demand

Support

- Browse Support
- Program Your Remote
- Channel Lineup
- Closed Captioning
- Welcome to TWC
- TV Parental Control
- Internet Safety
- Accessibility

Contact Us

Other Sites

Follow Us

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EXHIBIT F

DOCSIS Device Information Center

Help Forums

DOCSIS Device Compatibility and Capability

This site provides a list of all currently approved cable modems and EMTA devices. Use this site to ensure your device is compatible with the service level that you subscribe to. For additional information on End of Life (EOL) devices, please review the EOL FAQs.

Comcast strongly recommends customers only purchase devices that include a warranty and/or return policy. Cable modems and eMTAs operate with firmware/software and could make the device defective and inoperable if compromised in any way.

Click here to purchase a new DOCSIS 3.0 modem from Amazon

Click here for help with How to Install and Activate your purchased modem for Xfinity Service.

Showing Cable Modem devices. CLICK HERE to view Comcast tested IPv6 home gateways.

Select Your Speed Tier

Your device's DOCSIS version number matters if you subscribe to Comcast Performance, Blast!, or Extreme.

Not sure what your speed tier is?

You can find it listed on your monthly internet bill (click here to view a sample). For more information regarding your cable modem or speed tiers, please call 1-800-XFINITY for assistance.

For Xfinity customers who lease their device and require an upgrade to a D3.0 Wireless Gateway please click on the link below
http://www.comcast.com/deviceupgrade

Residential Speed Tiers

0

Show All

Economy Plus
Performance Starter
Performance
Performance Pro
Extreme 105
Blast!
Blast Pro
Extreme 150
Extreme 250

Business Speed Tiers

0

Show All

Starter
Deluxe 25
Deluxe 50
Deluxe 75
Deluxe 100 Plus
Deluxe 150
Deluxe 250

DOCSIS Devices - All Speed Tiers

Filter: End-Of-Life Devices DOCSIS 2.0 Devices Latest (DOCSIS 3.0) Devices Only Retail Devices

	Vendor	Model	Product Name	Retail	D3	IPv6	Cert.
1	Arris	CM820A	Touchstone Cable Modem		✓	✓	★★★
2	Arris	CM820A (Retail)	Retail Touchstone Cable Modem	✓	✓	✓	★★★
3	Arris	SBG6400 (Retail)	Retail SURFboard Cable Modem And Wireless Router	✓	✓	✓	★
4	Arris	TG1682G	RDK-B Telephony Wireless Gateway Modem TG1682G (XB3)		✓	✓	★★★
5	Arris	TG862G	Touchstone Telephony Wireless Gateway Modem TG862G		✓	✓	★★★
6	Arris	TG862G (Retail)	Retail Touchstone Telephony Wireless Gateway Modem	✓	✓	✓	★★★
7	Arris	TM508A	Touchstone Multi-Line Telephony Modem				★★★
8	Arris	TM604G	Touchstone Multi-Line Telephony Modem				★★★
9	Arris	TM608G	Touchstone Multi-Line Telephony Modem				★★★
10	Arris	TM702G	Touchstone Telephony Modem		✓	✓	★★★
11	Arris	TM722G	Touchstone Telephony Modem		✓	✓	★★★
12	Arris	TM722G (Retail)	Retail Touchstone Telephony Modem	✓	✓	✓	★★★
13	Arris	TM822G	Touchstone Telephony Modem TM822G		✓	✓	★★★
14	Arris	WBM760A	Touchstone Cable Modem WBM760A		✓	✓	★★★
15	Arris/Motorola	SB6121	SURFboard SB6121 DOCSIS 3.0 Cable Modem		✓	✓	★★★
16	Arris/Motorola	SB6121 (Retail)	Retail SURFboard Cable Modem	✓	✓	✓	★★★
17	Arris/Motorola	SB6141 (Retail)	Retail SURFboard Cable Modem	✓	✓	✓	★
18	Arris/Motorola	SB6183 (Retail)	Retail SURFboard Cable Modem	✓	✓	✓	★
19	Arris/Motorola	SBG6580 (Retail)	Retail SURFboard Cable Modem And Wi-Fi Router	✓	✓		★
20	Arris/Motorola	SBG6700-AC (Retail)	Retail SURFboard Cable Modem And Wi-Fi Router	✓	✓	✓	★
21	Arris/Motorola	SBG6782-AC (Retail)	Retail SURFboard eXtreme Cable Modem And Wi-Fi AC Rout...	✓	✓	✓	★
22	Belkin	DPC3008 (Retail)	Retail Belkin (formerly Cisco) Cable Modem	✓	✓	✓	★
23	Cisco	DPC3000	Cisco Cable Modem		✓	✓	★★★
24	Cisco	DPC3008	Cisco Cable Modem		✓	✓	★★★
25	Cisco	**! DPC3939**	**Cisco Wireless Residential Voice Gateway (XB3)**		✓	✓	★★★

26	Cisco	DPC3939B	Cisco Business Wireless Gateway (BWG)		✓	✓	☆☆☆
27	Cisco	DPC3941B	Cisco Business Wireless Gateway (BWG)		✓	✓	☆☆☆
28	Cisco	DPC3941T	Cisco MoCA DB-WiFi(3x3) Apps 2-port Voice Gateway		✓	✓	☆☆☆
29	D-Link	DCM-301 (HW Rev E1) ...	Retail DCM-301 DOCSIS 3.0 Cable Modem	✓	✓	✓	☆
30	HitronTechnologies	CDA-CCC	Cable Modem for Prepaid service ONLY	✓	✓	✓	☆
31	Netgear	C3000-100NAS (Retail...	Retail N300 Wireless Cable Modem Router	✓	✓	✓	☆
32	Netgear	C3700-100NAS (Retail...	Retail N600 Wireless Cable Modem Router	✓	✓	✓	☆
33	Netgear	C6300 (Retail)	Retail AC1750 Wireless Cable Modem Router	✓	✓	✓	☆
34	Netgear	C7000-100NAS (Retail...	Retail Wireless Cable Gateway	✓	✓	✓	☆
35	Netgear	CG3000DCR	Netgear Commercial Cable Modem Router		✓	✓	☆☆☆
36	Netgear	CG3000DV2 N450 (Reta...	Retail N450 Wireless Cable Data Gateway	✓	✓	✓	☆
37	Netgear	CM400 (Retail)	Retail Cable Modem	✓	✓	✓	☆
38	Netgear	CM500-100NAS (Retail...	Retail Cable Modem	✓	✓	✓	☆
39	Netgear	CM600 (Retail)	Retail Cable Modem	✓	✓	✓	☆
40	Netgear	CMD31T-100NAS (Retai...	Retail Cable Modem	✓	✓	✓	☆
41	SMCNetworks	D3CM1604 (Retail)	Retail Cable Modem	✓	✓	✓	☆
42	SMCNetworks	SMCD3G-CCR	Cable Modem and Comcast Commercial Router		✓	✓	☆☆☆
43	SMCNetworks	SMCD3GNV	Wireless Gateway Cable Modem with Voice		✓	✓	☆☆☆
44	TP-LINK	Archer CR700 (Retail...	Retail AC1750 Wireless Dual Band Cable Modem Router	✓	✓	✓	☆
45	TP-LINK	TC-7610 (Retail)	Retail Cable Modem	✓	✓	✓	☆
46	Technicolor	TC8305C	Wireless Cable Modem Gateway with Voice (XB2)		✓	✓	☆☆☆
47	Technicolor	TC8717C	Wireless Cable Modem Gateway with Voice (XB3)		✓	✓	☆☆☆
48	Ubee	DDM3513	Ubee (formerly Ambit) DOCSIS 3.0 Cable Modem		✓	✓	☆
49	Ubee	U10C035	Ubee (formerly Ambit) Cable Modem		✓	✓	☆
50	ZoomTelephonics	5341 (Retail)	Retail Cable Modem	✓	✓		☆
51	ZoomTelephonics	5341J (Retail)	Retail Cable Modem	✓	✓	✓	☆
52	ZoomTelephonics	5345 (Retail)	Retail Cable Modem	✓	✓	✓	☆
53	ZoomTelephonics	5350 (Retail)	Retail Wireless-N Cable Modem Router	✓	✓		☆
54	ZoomTelephonics	5352 (Retail)	Retail Wireless-N Cable Modem Router	✓	✓	✓	☆
55	ZoomTelephonics	5354 (Retail)	Retail Wireless-N Cable Modem Router	✓	✓	✓	☆
56	ZoomTelephonics	5360 (Retail)	Retail Dual band Wireless Gateway	✓	✓	✓	☆
57	ZoomTelephonics	5363 (Retail)	Retail Wireless-802.11AC Cable Modem Router	✓	✓	✓	☆
58	ZoomTelephonics	5370 (Retail)	Retail Cable Modem	✓	✓	✓	☆
59	ZyXEL	BRG-35503 (Retail)	Retail Cable Modem (powered by Hitron)	✓	✓	✓	☆

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EXHIBIT G

Internet

Can I use my own modem with my High Speed Internet service?

With a Bright House Networks modem there is no equipment to buy. Bright House Networks manages and monitors the setup for you, addresses any issues you might encounter and, in the unlikely event of a failure, fixes or replaces the modem for you at no additional charge.

If, however, you would like to use your own modem and avoid the monthly charge, that option is available as long as the modem you choose is compatible with Bright House Networks. Please see below for the most current list of modems supported by Bright House Networks. Bright House Networks cannot guarantee, repair, or replace a customer-owned modem. Additional information regarding Bright House Networks' modem policy can be found on our Policies page (http://www.brighthouse.com/corporate/policies).

- MTAs (/Article/Phone-Modem-MTA-4223) are required for Home Phone service.
- Static IP addresses (/Article/Road-Runner-Provide-Static-IP-Address-2334) are not available if you use your own modem.
- To install your own modem, you must Contact Us (http://brighthouse.com/corporate/contact) and provide the following information:
  - The manufacturer and model number of your modem.
  - The modem's MAC address. For more information, see What is a MAC address, and how do I identify mine? (/Article/Cable-Modem-MAC-Address-Identify-1654)

Arris (http://www.arrisi.com/consumer/index.asp)

Model Number	Device Type	Supported Internet Speed		
		Up to Lightning 75	Up to Lightning 150	Up to Lightning 300
TG852G*	eMTA	✓	✓	
TG862G*	eMTA	✓	✓	

D-Link (http://support.dlink.com/)

Model Number	Device Type	Supported Internet Speed		
		Up to Lightning 75	Up to Lightning 150	Up to Lightning 300
DCM301	Modem	✓	✓	

Motorola/Arris (http://www.arrisi.com/consumer/index.asp)

Model Number	Device Type	Supported Internet Speed		
		Up to Lightning 75	Up to Lightning 150	Up to Lightning 300
SB6121	Modem	✓		
SB6141	Modem	✓	✓	

For further assistance visit us at http://tampabay.brighthouse.com/contact_us/.

SB6183	Modem	✓	✓	✓
SBG6580*	Modem	✓	✓	
SBG6700-AC	Modem	✓	✓	
SBG6782-AC	Modem	✓	✓	

Netgear (http://support.netgear.com/for_home/default.aspx)

Model Number	Device Type	Supported Internet Speed		
		Up to Lightning 75	Up to Lightning 150	Up to Lightning 300
C3000	Modem	✓	✓	
C3700	Modem	✓	✓	
C6300	Modem	✓	✓	✓
CG3000D	Modem	✓	✓	
CM400	Modem	✓	✓	
CM500	Modem	✓	✓	✓
CMD31T	Modem	✓		

TP-Link (http://www.tp-link.us/)

Model Number	Device Type	Supported Internet Speed		
		Up to Lightning 75	Up to Lightning 150	Up to Lightning 300
CR700	Modem	✓	✓	✓

Ubee (http://www.ubeeinteractive.com/support/consumers/faq) (Ambit)

Model Number	Device Type	Supported Internet Speed		
		Up to Lightning 75	Up to Lightning 150	Up to Lightning 300
DDW3611*	Modem	✓	✓	
DVW3201B*	eMTA	✓	✓	

Zoom (http://www.zoomtel.com/products/cable_overview.html)

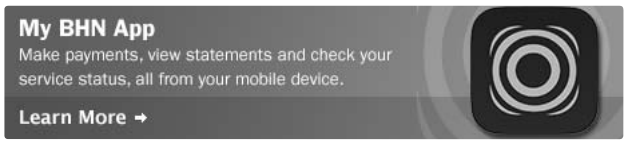
Model Number	Device Type	Supported Internet Speed		
		Up to Lightning 75	Up to Lightning 150	Up to Lightning 300
5341J	Modem	✓	✓	

5352	Modem	✓	✓	
5354	Modem	✓	✓	
5363	Modem	✓	✓	

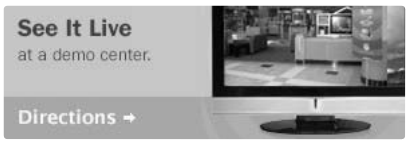
ZyXEL (http://www.zyxel.com/support/Service-Overview.shtml)

Model Number	Device Type	Supported Internet Speed		
		Up to Lightning 75	Up to Lightning 150	Up to Lightning 300
CDA30360	Modem	✓	✓	

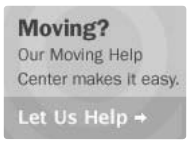
Back



(http://brighthouse.com/my-services/my-services/app-center.html)



(http://brighthouse.com/support/contact.html)



(http://brighthouse.com/support/movi

Bright House in the Tampa Bay Area

Promotions and Events

(http://brighthouse.com/shop/promotions.html)

Find out what's happening in your area

bright ideas

(http://brightideas.brighthouse.com/)

Do you have the next great idea?

Share Your Story

(https://brighthouse.com/about/about-us/share-your-story.html)

Share your own Bright House story today!

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Send Email (http://brighthouse.com/support/contact/email-us.html)

@BrightHouseCare (https://twitter.com/BrightHouseCare)

Call Us (http://brighthouse.com/support/contact.html)

Live Chat (http://brighthouse.com/support/contact/live-chat.html)

Exclusive Local Programming

(http://cfnews13.com/)

(http://baynews9.com/)

(http://www.infomas.tv/)

Shop (http://brighthouse.com/content/residential/shop.html)

TV (http://brighthouse.com/content/residential/shop/tv.html)

Internet (http://brighthouse.com/content/residential/shop/internet.html)

Phone (http://brighthouse.com/content/residential/shop/phone.html)

Home Security (http://brighthouse.com/content/residential/shop/home-security.html)

Order Service (http://brighthouse.com/content/residential/shop/order.html)

Transfer Services (http://brighthouse.com/content/residential/shop/moving/transfer.html)

Seasonal (http://brighthouse.com/content/residential/shop/moving/seasonal-plans.html)

Bundles (http://brighthouse.com/content/residential/shop/bundles.html)

Support (http://brighthouse.com/content/residential/support.html)

Get Answers (http://brighthouse.com/content/residential/support.html)

Moving Help (http://brighthouse.com/content/residential/support/moving.html)

Program Your Remote (http://brighthouse.com/content/residential/support/program-your-remote.html)

Channel Lineup (http://brighthouse.com/content/residential/support/channel-lineup.html)

Game Finder (http://apps.brighthouse.com/gamefinder)

Find WiFi Locations (http://brighthouse.com/content/residential/shop/internet/wifi.html)

Video Tutorials (http://brighthouse.com/content/residential/support/videos.html)

My Services (https://myservices.brighthouse.com/)

Pay My Bill (https://myservices.brighthouse.com/Bill-pay)

Shop TV (http://brighthouse.com/content/residential/my-services/my-services/app-center/bright-house-tv-app.html)

Account & Billing (https://myservices.brighthouse.com/Bill-pay)

App Center (http://brighthouse.com/content/residential/my-services/my-services/app-center.html)

Manage My DVR (https://dvr.brighthouse.com/)

Check Email (https://mail.brighthouse.com/?v=bh_theme)

Follow Us (https://brighthouse.com/content/residential/about/about-us/social-media.html)

@BrightHouseNow (https://twitter.com/BrightHouseNow)

Facebook (https://www.facebook.com/brighthousenetworks)

Blog (http://house2house.brighthouse.com/)

YouTube (http://www.youtube.com/user/brighthousenetworks)

Social Media Hub (https://brighthouse.com/content/residential/about/about-us/social-media.html)

About Us (https://brighthouse.com/content/residential/about/about-us.html)

Press Releases (http://brighthouse.com/content/residential/about/about-us/newsroom.html)

Careers (http://jobs.brighthouse.com/)

Community (http://brighthouse.com/content/residential/about/about-us/community.html)

Areas We Serve (http://brighthouse.com/content/residential/about/about-us/service-areas.html)

Policies (http://brighthouse.com/content/residential/about/about-us/policies.html)

Supplier Portal (http://brighthouse.com/content/residential/about/about-us/diversity-submission.html)

Newsletter Signup (http://brighthouse.com/content/residential/about/about-us/newsletter-signup.html)

Verizon Wireless Offer
(http://brighthouse.com/content/residential/landing/promotions/wireless.html)

Español
(http://brighthouse.com/content/residential/

Accessibility
(http://brighthouse.com/content/residential/us/accessibility.html)

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EXHIBIT H

Order Online

Combine Services and Save!

Step 1: Select (/buyflow/TPA) | Step 2: Personalize | Step 3: Enter Information | Step 4: Schedule and Review Order | Step 5: Order Completed

Personalize Your Order

How many Standard Boxes do you need? Price is $8.00 each per month.

1 @ $8.00 each

Add these programming options to your TV service.

Movie Pass $10.00/Month

Sports Pass $10.00/Month

HD Pack $6.00/Month

Nuestros Canales $10.00/Month

HBO $20.00/Month

Cinemax $10.00/Month

Showtime $15.00/Month

TMC $15.00/Month

Starz $15.00/Month

Regional Sports Network and Broadcast TV Fee

- Regional Sports Network and Broadcast TV Fee $4.00/Month

Add these video recording options to your TV service:

- None

Digital Video Recorder Service $19.95/Month

Enhanced Digital Video Recorder Service $24.95/Month (includes service price of $16.95 and $8 box price)

Add an Internet and Phone Modem to your service.

- Bright House Networks Internet/Phone Modem $4.00/Month

I will supply my own Internet/Phone Modem

Upgrade your Internet service

- No, not at this time

Yes, Lightning 75, with speeds up to 75 Mbps $15.00/Month

Yes, Lightning 150, with speeds up to 150 Mbps $30.00/Month (Includes Free Echo Home Networking)

Yes, Lightning 300, with speeds up to 300 Mbps $125.00/Month (Includes Free Echo Home Networking)

Add Echo Home Networking

Shopping Cart

$109.00 PREMIER TV + LIGHTNING 35 INTERNET + PHONE	$109.00 remove (/buyflow/TPA/Offers/Remove
Regional Sports Network and Broadcast TV Fee	$4.00
Bright House Networks Internet/Phone Modem	$4.00
Digital Adapters	$8.00
TOTAL	125.00

plus taxes, equipment, fees and surcharges

Total reflects personalized selections.

Continue

Campaign Code:

Apply

1-855-665-2352

Call
1-855-253-4625
to place your order.

- No, not at this time

  Yes, Echo Home Networking $3.00/Month

Add these features to your Home Phone Unlimited Nationwide service:

Voice Mail $2.95/Month

Second Line $29.95/Month

Add International Connection Plans to your Home Phone service

- None

  Asia Pacific $5.00/Month

  South Asia $10.00/Month

  Europe $5.00/Month

  Latin America $10.00/Month

  Mi Mexico $5.00/Month

Bright House in the Tampa Bay Area

Promotions and Events

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(http://cfnews13.com/)

(http://bayinformas.tv/)

(http://bayinformas.tv/)

(http://bayinformas.tv/)

(http://bayinformas.tv/)

(http://www.

us/accessibility.html)

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EXHIBIT I

Please wait a moment.

We're processing your request.

Chat
Call to Order ***1-855-243-8892*** (tel://18552438892)

(http://timewarnercable.com)

Customize Your Internet Plan

Select Your Equipment

Your plan includes one outlet and requires a modem for Internet service.

If you choose to use your own modem, you will receive an email within 48 hours of placing your order that contains details for activating your service. Please follow these important instructions or your order may be cancelled.

Compare Internet Plans (/content/modals/checkout/compare-internet-plans-maxx/_jcr_content.content.html?wcmmode=disabled)

Choose one:

Internet Modem

$8.00 per Month
Select

Home WiFi and Wireless Gateway

$13.95 per Month
Select

I'll use my own modem

Select

New Services

Monthly Charges

Internet	$42.99
Extreme Internet	**$34.99**
Internet Modem	**$8.00**
Monthly Charges*	**$42.99**

One-Time Charges

Total One-Time Charges*	**$0**

* This amount excludes taxes, broadcast and other fees. After placing your order, the actual amount of taxes and fees will be calculated and reflected in your next bill statement. Charges for any existing services not part of the order above are not included in the Total Monthly Charges displayed.

*Additional charges apply for equipment, installation, taxes & fees, broadcast, sports programming, activation and other surcharges, Directory Assistance, Operator Services, International calls outside of the calling area and other one-time charges. By enrolling in this promotion, customer agrees to be bound by the terms of TWC's Subscriber Agreement which can be found at http://help.twcable.com/twc_sub_agreement.html (http://help.twcable.com/twc_sub_agreement.html). Triple Play offers expire 12/31/15 and are available to residential new and existing Single Play customers. Triple Play price will increase $20 per month for months 13-24. After 24 months, regular rates in effect at that time apply. Lease of at least one Whole House HD-DVR and one WH DVR compatible Set Top Box required. Standard TV for $39.99 available for 12 months; in months 13-24, price will increase to $44.99; after month 24, regular rates in effect at that time apply. TV offer expires 12/31/15 and is available to current residential Double Play (Internet/TWC Phone) or Single Play (Internet) customers who sign up for Starter TV; offer may not be combined. After 1 year, regular rates in effect at that time apply. HBO®, Cinemax®, SHOWTIME® and STARZ® premium bundle offer is available to new customers and current Time Warner Cable customers who already have or are adding TV service and a set-top box to their accounts. To qualify, current customers cannot already subscribe to two or more premiums. The rate for this offer is $29.99 per month for 12 months. After 1 year, regular rates in effect at that time will apply. Subscription to SHOWTIME required to receive channel for free for 12 months (value of offer is at least $155.88). After 12 months, regular monthly rate will apply. Call 1-800-TW CABLE to cancel at any time. Free Installation applies to Easy Connect Kit through 12/31/15. Free Installation does not apply to National West and Former New Wave and Former Insight locations. Free next-day install available in NYC Region while appointments last - Phone activation may require 48 hours. All services not available in all areas. Not all equipment supports all services. Subject to change without notice. Some restrictions apply. Offers may not be combined.

To receive all TV services, Preferred TV, remote and lease of a Set-Top box are required. Some services are not available to CableCARD™ customers. In some areas, a Digital Programming fee may apply to each additional box.

The Better Guarantee is a thirty-day money-back guarantee that applies to TV, Phone and/or Internet monthly recurring charge and standard installation charge. TWC must receive cancellation request for all eligible services within 30 days after installation. Return of all leased equipment required. Lease of a modem or purchase of an approved modem required for Internet service. Current approved modems can be found at twc.com/approvedmodems (http://www.twc.com/approvedmodems).

2015 Dodgers $300 Abbreviated Terms: $300 Reward Card offer expires 10/31/15. Offer available in select Los Angeles and Palm Spring service areas to any new subscribers or existing high speed internet (HSD) only subscribers who switch and purchase a $109 or higher Triple Play bundle. Customers must remain active, in good standing and must maintain all services for a minimum of 90 days after installation.

Customer must register within 30 days of installation, or by 11:59 p.m. PDT on 11/30/15, (whichever comes sooner) at www.twc.com/betterreward (http://www.twc.com/betterreward) with the redemption code which you will receive via email and/or postcard and upload a bill from their previous paid video, HSD or phone service provider issued within the last 90 days showing the service they are cancelling as proof of switch. Customer's name and/or address on previous provider's bill must match name and/or address on Time Warner Cable installation order. Eligible paid video providers do not include online-only video subscription providers and paid phone providers do not include cellular providers. See www.twcbetterreward.com/Terms (http://www.twcbetterreward.com/Terms) for more information and complete terms and conditions. Reward Card will be mailed approximately 4-6 weeks after the 90 day period. Reward cards may be subject to separate terms and conditions imposed by issuer. Limit one (1) Reward Card per eligible residential service and this offer may not be combined with any other offers.

NYC: $300 Reward Card: $300 Reward Card offer expires 10/31/15. Offer available in New York City service areas to any new subscribers or existing high speed internet (HSD) only subscribers who switch and purchase a $109 or higher Triple Play bundle. Customers must remain active, in good standing and must maintain all services for a minimum of 90 days after installation.

Customer must register within 30 days of installation, or by 11:59 p.m. PDT on 11/30/15, (whichever comes sooner) at www.twc.com/betterreward (http://www.twc.com/betterreward) with the redemption code which you will receive via email and/or postcard and upload a bill from their previous paid video, HSD or phone service provider issued within the last 90 days showing the service they are cancelling as proof of switch. Customer's name and/or address on previous provider's bill must match name and/or address on Time Warner Cable installation order. Eligible paid video providers do not include online-only video subscription providers and paid phone providers do not include cellular providers. See www.twcbetterreward.com/Terms (http://www.twcbetterreward.com/Terms) for more information and complete terms and conditions. Reward Card will be mailed approximately 4-6 weeks after the 90 day period. Reward cards may be subject to separate terms and conditions imposed by issuer. Limit one (1) Reward Card per eligible residential service and this offer may not be combined with any other offers.

TV: HDTV and HD Set-Top Box are required to receive HD service. TWC TV® requires Starter TV, iPad and/or iPhone with iOS 7.0, Kindle Fire HD/HDX and/or Android 2.3 and/or Android 2.3 on smartphones and Android 4.0 or higher and WiFi connection. Start Over® is available on select shows from participating networks. As a condition of service, you may be required to have equipment for every TV in your home. TWC authorized modem required for in home viewing and minimum 1.5 Mbps connection recommended for out of home viewing. Some functions require compatible Set-Top box or DVR. Programming is subject to availability and the video package to which you subscribe. Not all equipment supports all services. HDTV and HD set-top box are required to receive HD service. Enhanced DVR is not available in Lincoln, NE.

Must subscribe to both Preferred TV and Phone to get Caller ID on TV. Caller ID on TV is not available in all areas. Pay-per-View programming is available to Existing customers only; scheduling subject to change. HD Events are not available in all areas. Pay-Per-View events and HD Pay-Per-View events are optional services available for an incremental charge. Prices do not include taxes or franchise fees. Some restrictions apply. All WWE programming, talent names, images, likenesses, slogans, wrestling moves, trademarks, logos and copyrights are the exclusive property of WWE and its subsidiaries. All other trademarks, logos and copyrights are the property of their respective owners. © 2015 WWE. All Rights Reserved. ©2015 Zuffa, LLC. All rights reserved. ©2015 HBO Pay-Per-View®, a division of Home Box Office, Inc.® and K2 Promotions LLC. All rights reserved. HBO PPV®, HBO® and related channels and service marks are the property of Home Box Office, Inc.

Internet: Access to WiFi hotspots is available to customers with minimum Standard or Extreme Internet. Actual speeds may vary. Not available in all areas. Some restrictions may apply. Some Internet services may include Home WiFi and may require installation charges.

Phone: Additional charges apply for taxes, fees, Directory Assistance, Operator Services and calls to international locations. After 12 months, regular monthly rates will apply. TWC Phone does not include back-up power and, as in the case with an electric-powered home cordless phone, should there be a power outage, TWC Phone, including the ability to access 9-1-1 services, may not be available. A one-time charge may apply to keep your current telephone number.

Payments: If you discontinue recurring payments within your first year of service, a $50 deposit will be added to your account.

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For Hawaii Customers Only.

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TV: HDTV and HD Set-Top box are required to receive HD service. TWC TV® requires Starter TV, iPad or iPhone with iOS 7.0, Kindle Fire HD/HDX and/or Android 2.3 and/or Android 2.3 on smartphones and Android 4.0 or higher and WiFi connection. Start Over® is available on select shows from participating networks. As a condition of service, you may be required to have equipment for every TV in your home. TWC authorized modem required for in home viewing and minimum 1.5 Mbps connection recommended for out of home viewing. Some functions require compatible set-top box or DVR. Programming is subject to availability and the video package to which you subscribe.. Not all equipment supports all services. HDTV and HD set-top box are required to receive HD service. Must subscribe to both Digital TV and Phone to get Caller ID on TV. Caller ID on TV is not available in all areas.

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CERTIFICATE OF SERVICE

I certify that on October 13, 2015, copies of the foregoing *Petition to Deny, or in the Alternative, for Conditional Grant* have been served by email and United States Mail to the following:

Matthew A. Brill
Latham & Watkins LLP
555 11th Street, NW
Washington, DC 20004
matthew.brill@lw.com

John L. Flynn
Jenner & Block LLP
1099 New York Avenue, NW
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sfeder@jenner.com

Steven J. Horvitz
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W.
Washington, DC 20006

In addition, copies of the foregoing *Petition to Deny, or in the Alternative, for Conditional Grant* have been delivered by email to the following Federal Communications officials:

Vanessa Lemmé
Vanessa.Lemmé@fcc.gov

Ty Bream
Ty.Bream@fcc.gov

Elizabeth McIntyre
Elizabeth.McIntyre@fcc.gov

Jim Bird
TransactionTeam@fcc.gov

Adam Copeland
Adam.Copeland@fcc.gov

In addition a copy of the foregoing foregoing *Petition to Deny, or in the Alternative, for Conditional Grant* has been delivered by email to the Commission's duplicating contractor:

Best Copy and Printing, Inc.
fcc@bcpiweb.com

_____
Andrew Jay Schwartzman