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*Via ECFS*

Marlene Dortch  
Secretary,  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

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

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

Dear Ms. Dortch:

On January 12, 2016, Frank Manning, President and CEO of Zoom Telephonics, Inc. (“Zoom”) and Andrew Jay Schwartzman, counsel to Zoom, held separate meetings with Jessica Almond, Legal Advisor to the Chairman, Johanna Thomas, Legal Advisor to Commissioner Rosenworcel, Robin Colwell, Chief of Staff to Commissioner O’Reilly and Nicholas Degani, Legal Advisor to Commissioner Pai.

The purpose of the meeting was to discuss issues Zoom has raised in its Petition to Deny in Docket 15-149. Zoom did not discuss any specific issues relating to Zoom’s Petition to Deny in Docket 15-257. However, because similar issues have been raised in Docket 15-257, out of an abundance of caution, this notice is being filed in that docket as well.

In each meeting, Zoom described the background of the robust and healthy retail

market for cable modems and contrasted it with the difficulties that have been encountered in trying to develop a retail market for set-top boxes. Zoom explained that the other major MSOs facilitate attachment of customer-owned modems and that they separately state a price for leased cable modems. It pointed out that Charter has stated in its Public Interest Statement that it intends to extend Charter's current cable modem policies to Time Warner Cable (TWC) and Bright House (BHN). Zoom predicted that, absent conditions, if Charter's applications to acquire Time Warner Cable and Bright House will reduce the retail market by 30% or more.

Zoom summarized the facts raised in its Petition to Deny. It pointed out that, unlike its peers, Charter maintains a highly restrictive policy with respect to certifying cable modems for attachment to its network and, in particular, employs criteria relating to the wireless performance of cable modems with integrated routers. This, Zoom said, not only denies choice to customers but also deprives them of innovative and up to date technology such as 802.11ac functionality.

With respect to Charter's pricing policies in which it charges a single bundled price for leasing cable modems and Internet service, Zoom pointed out that there is no dispute that cable modems are covered by Section 629 of the Communications Act. Charter's characterization of its policy as providing a modem for "free" or "at no charge" amounts to a price of zero for cable modems, which is clearly a subsidized price. However, Zoom explained, Charter has taken the position that it can bundle the two offerings because it is not prohibited by 47 CFR §76.1206. Zoom referred to its alternate, and better, reading of Section 76.1206 and pointed out that it makes little sense to construe that provision in a manner which ties cable modem pricing practices to 47 CFR §76.923, a rule which relates only to the pricing of video services.

A copy of a handout distributed during the meetings is attached.

Respectfully submitted,



Andrew Jay Schwartzman  
Counsel to Zoom Telephonics, Inc.

cc. Jessica Almond  
Johanna Thomas  
Robin Colwell  
Nicholas Degani

ZOOM TELEPHONICS, INC.  
PRESENTATION TO THE  
FEDERAL COMMUNICATIONS COMMISSION

Page 1	Section 629(a) of the Communications Act, 47 USC §549(a)
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Section 629(a) of the Communications Act  
47 USC §549(a)

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.**

§76.1206 Equipment sale or lease charge subsidy prohibition.

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.

## 47 CFR §76.1201

§ 76.1201 Rights 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.