

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

March 23, 2016

*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 March 21, 2016, Andrew Jay Schwartzman, counsel for Zoom Telephonics, Inc. (Zoom) spoke by telephone with Jessica Campbell of the Industry Analysis Division of the Media Bureau and Brendan Holland, its Chief, with respect to 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 that docket, out of an abundance of caution, this notice is being filed in that docket as well.

Mr. Schwartzman reiterated Zoom's position that the Commission can and should rely upon Section 629 of the Communications Act to require that cable modem leases and Internet service be separately priced and not subsidized. He pointed out that there is no

dispute that cable modems are covered by Section 629. He explained that cable modems have never been subjected to local rate regulation and that there is no indication that Congress or the FCC ever intended that the coverage of cable modems under Section 629 should be linked to local rate regulation of video services, as would be the case under the position advanced by the applicants in this proceeding.

Mr. Schwartzman further explained that, whether or not the Commission chose to ground its action on Zoom's petition to deny on Section 629, the Commission has ample authority to afford the relief Zoom seeks under Sections 201 and 202 of the Communications Act, Section 706 of the Telecommunications Act of 1996 and the public interest standard. He pointed out that because other MSOs separately price and bill for cable modem leasing and Internet service, there is a robust retail market for cable modems. Failure to insure that Charter Communications, Inc., the odd man out, will not extend its pricing policies to Time Warner Cable and Bright House Network customers will invite other MSOs to follow suit. This would be a step in the wrong direction and, especially, be very much at odds with the goals that members of the Commission have expressed in seeking to create a retail market for set-top boxes.

Respectfully submitted,



Andrew Jay Schwartzman  
Counsel for Zoom Telephonics, Inc.

cc. Brendan Holland  
Jessica Campbell