

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

March 28, 2016

Via ECFS

Marlene Dortch
Secretary,
Federal Communications Commission
445 12th 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 24, 2016, Andrew Jay Schwartzman, counsel for Zoom Telephonics, Inc. (Zoom) spoke by telephone with David Grossman, Chief of Staff and Media Policy Advisor to Commissioner Clyburn 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 with respect to the application of Section 629 of the Communications Act to cable modems, pointing 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.

Mr. Schwartzman also spoke about the benefits of maintaining a competitive market for cable modems. In addition to price competition, the retail market creates incentives for developing new and innovative features for cable modems. He noted in that regard that none of the cable modems currently offered for lease by Charter, and none of the other modems approved for attachment to Charter's network offer advanced 802.11ac wireless functionality.

Respectfully submitted,



Andrew Jay Schwartzman
Counsel to Zoom Telephonics, Inc.

cc. David Grossman