

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

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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/New-
house 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 May 5, 2016, Andrew Jay Schwartzman, counsel for Zoom Telephonics, Inc. (Zoom) spoke by telephone with Ruth Milkman, Chief of Staff to the Chairman and with General Counsel Jonathan Sallet and Owen Kendler of the Office of General Counsel with respect to Docket 15-149.

In each conversation, Mr. Schwartzman pointed out that there is currently a robust retail market for cable modems, that Commission has a goal of creating a strong retail market for set-top boxes, that it makes no sense that the Commission would allow the cable modem market to be undermined and that such an outcome was contrary to the public interest.

Mr. Schwartzman briefly described Zoom's position with respect to the proper interpretation of Section 629 of the Communications Act. Using the staff's decision approving the Altice/Cablevision transaction as a template, he said that regardless of what he believes is an incorrect reading of Section 629 in that decision, the staff improperly failed to address the adverse consequences of that action under the public interest standard. To the extent that there

are a substantial number of current Cablevision customers grandfathered into bundled prices for cable modem leases and Internet service, it is contrary to the public interest not to give them the ability to benefit from separately stated and unsubsidized pricing for cable modems.

Turning to the Charter/Time Warner Cable/Bright House Network proceeding, Mr. Schwartzman noted that there is a critical distinction between two cases and that, regardless of how one reads Section 629, approval of the Charter applications cannot possibly be consonant with the public interest. The billing practices of Time Warner Cable and Bright House Network currently give customers the option of paying a separately stated unsubsidized price for cable modems. If the Commission were to follow what the staff did in the Cablevision/Altice proceeding by deferring action pending the outcome of the set-top box proceeding initiated in Docket 16-42, more than 17 million cable subscribers will lose the benefit of unbundled, unsubsidized pricing. Thus, at the very least, he said, the Commission should preclude Charter from changing cable modem pricing for those customers pending completion of Docket 16-42.

In the conversation with Messers. Sallet and Kendler, Mr. Schwartzman also discussed the fact that the cable modem question in Docket 15-149 is transaction-specific because other MSOs do not have practices similar to Charter and that more than 17 million specific customers will be affected by Commission action. He also discussed how the Commission's public interest standard is broad and discretionary. He said that while the Commission must look at all aspects of a transaction in deciding whether, on balance, the benefits outweigh the costs, there is always room for the Commission to seek to obtain the optimal result for the public.

Respectfully submitted,



Andrew Jay Schwartzman
Counsel to Zoom Telephonics, Inc.

cc. Ruth Milkman
Jonathan Sallet
Owen Kendler