

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

June 10, 2016

Via ECFS

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

RE: Notice of *Ex Parte* Presentations

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

Expanding Consumers Video Navigation Choices
MB Docket 16-42

Commercial Availability of Navigation Devices
CS Docket 97-80

Dear Ms. Dortch:

On June 9, 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, Marc Paul, Legal Advisor to Commissioner Rosenworcel and David Grossman, Chief of Staff and Media Advisor to Commissioner Clyburn. In addition, they also met with the following members of the Commission staff:

William Lake, Media Bureau
Martha Heller, Media Bureau
MaryBeth Murphy, Media Bureau
Brendan Murray, Media Bureau
Steven Broeckaert, Media Bureau
Lyle Elder, Media Bureau
Scott Jordan, Chief Technologist

Antonio Sweet, Office of Strategic Planning
John Williams, Office of General Counsel
Andrew Manley, Media Bureau
Kelsie Rutherford, Media Bureau
Arian Attar, Media Bureau
Susan Aaron, Office of General Counsel
Matthew Collins, Office of General Counsel

In each meeting, Mr. Manning and Mr. Schwartzman stated that Zoom has filed petitions for reconsideration of the decisions of the staff and the Commission in Dockets 15-257 and 15-149 respectively, challenging whether it is permissible to avoid ruling on, or deferring consideration of, matters relating to billing transparency.

Mr. Manning and Mr. Schwartzman also explained that, in the case of Docket 15-257, Zoom's petition for reconsideration also addresses newly arising issues with respect to the applicants' compliance with the Commission's rules regarding attachment of equipment to their networks. They pointed out that the cable operators can abuse the process of certifying equipment, including cable modems, to their networks in a manner which can undermine the statutory objective of Section 629 to create a retail market for customer-owned equipment. They called upon the Commission to make plain that cable operators should not be allowed to use the certification process to impede competition. In particular, they discussed the fact that cable operators' certification process for a properly working cable modem should not be allowed to extend past some reasonable time. This is in addition to the 13 week-long, and expensive, process for obtaining CableLabs certification. They argued that it should not take too long to test cable modems which have already passed CableLabs' tests, and endorsed the three week period adopted in the Commission's consent decree with Charter Communications, Inc. or a period not much longer than that.

With respect to billing transparency, Zoom argued that the price for leasing a cable modem and other equipment should be separately stated as on each customer's bill.

Zoom also argued that cable operators must be required to state a non-subsidized, non-zero price for customer equipment, and that the Commission must set forth a specific mechanism for establishing what such a price should be. Zoom argued that one way to do this would be to use readily available information to determine the average retail prices paid for perhaps four of the most popular cable modems in popular cable modem classes, and to add the retail price of any additional things supplied by the cable operator, such as splitters and cables. That number should then be divided by a denominator which takes into account, expected life of equipment, obsolescence, customer support, freight, and possibly other similar factors. This should produce an appropriate monthly cost to be assigned as a non-subsidized price.

Respectfully submitted,



Andrew Jay Schwartzman
Counsel for Zoom Telephonics, Inc.

cc. Jessica Almond
David Grossman
Marc Paul
William Lake
Martha Heller
MaryBeth Murphy
Brendan Murray
Steven Broeckaert
Lyle Elder

Scott Jordan
Antonio Sweet
John Williams
Andrew Manley
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