

Congress of the United States
Washington, DC 20515

January 7, 2010

0041

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski:

I am writing with respect to the Commission's implementation of Section 629 of the Communications Act, a provision that I authored as part of the Telecommunications Act of 1996.

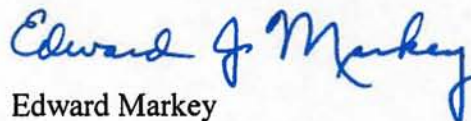
As you know, Congress enacted Section 629 to replicate the unqualified successes of the so-called "Carterfone" policies by requiring the unbundling of equipment from multichannel video programming distributors, such as cable systems. Congress tasked the Commission with adopting rules to implement this policy to promote much-needed investment, innovation, and consumer choice in equipment utilized in conjunction with services offered over cable systems. Specifically, the law requires the Commission to assure consumers of the retail availability of cable modems (and other equipment) from vendors not affiliated with any multichannel video programming distributor.

Recently, Boston-based Zoom Telephonics filed a complaint with the Commission regarding Comcast's adherence to rules implementing this important broadband policy statute. I take no position on the merits of this particular complaint, but as one of the authors of Section 629 of the Act, I wish to underscore my strong interest in ensuring that its requirements are fully and faithfully implemented by the Commission. Accordingly, I request that the Commission examine the activities raised by Zoom's complaint, and if the Commission finds them to be inconsistent with Section 629, I request that it take action to ensure compliance with such section.

Finally, I note that at the Commission's December meeting, the FCC adopted so-called "net neutrality" rules that reaffirmed the obligation of broadband providers to permit consumers to use non-harmful devices with their broadband service. This is wholly consistent with the longstanding communications policy goals of investment, innovation and consumer choice, underscoring the importance of timely Commission review to ensure consistency with the intent of Section 629.

I thank you in advance for your time and attention to this matter.

Sincerely,



Edward Markey