

Original

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September 27, 2000

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W. --- The Portals
TW-B204
Washington, DC 20554

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EX PARTE OR LATE FILED
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: America Online, Inc. and Time Warner Inc. Notice of *Ex Parte* Presentation
Applications of America Online, Inc. and Time Warner Inc.
for Transfers of Control, CS Docket No. 00-30

Dear Ms. Salas:

On behalf of America Online, Inc. ("AOL") and Time Warner Inc. ("Time Warner"), submitted herewith pursuant to Section 1.1206(b)(2) of the Commission's rules are an original and one copy of this notice regarding a permitted oral *ex parte* presentation in the above-referenced proceeding. On September 26, 2000, representatives of AOL and Time Warner met with members of the Commission's staff to discuss technical matters raised in this proceeding relating to AOLTV and interactive television ("ITV").

Attending the meeting on behalf of AOL were Barry Schuler, President of AOL's Interactive Services Group, George Vradenburg, III, Senior Vice President, Global and Strategic Policy; Steven N. Teplitz, Vice President, Telecommunications Policy; and Richard E. Wiley and Peter D. Ross of Wiley, Rein & Fielding. Attending on behalf of Time Warner were Glenn Britt, President, Time Warner Cable; Marc Apfelbaum, Senior Vice President and General Counsel, Time Warner Cable; and Catherine R. Nolan, Time Warner Vice President, Law and Public Policy.

Attending on behalf of the Commission were Deborah Lathen, Chief, Cable Services Bureau ("CSB"); Jim Bird, Office of General Counsel; Dale Hatfield, Chief, Office of Engineering and Technology ("OET"), David J. Farber, FCC Chief Technologist, OET; Robert Pepper, Chief, Office of Plans and Policy ("OPP"); and Kyle Dixon of Commissioner Powell's office.

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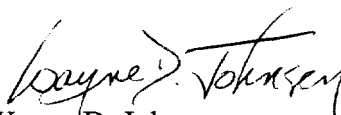
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AOL described how its AOLTV service passes through, unaltered, broadcast and cable program signals just as they are delivered by a subscriber's MVPD. AOL also discussed how AOLTV's incorporation of open standards and support for the Advanced Television Enhancement Forum ("ATVEF") Enhanced Content Specification allows video programmers to reach AOLTV subscribers with their interactive content even if they choose not to partner with AOL. AOL also described its—and, post-merger, AOL Time Warner's—plans to offer AOLTV over all possible television platforms. AOL explained that, in order to obtain interactive content, AOLTV—and other ITV providers—need to provide a connection to the Internet and that (both currently available and presently planned) AOLTV set-top boxes rely upon a narrowband connection (*i.e.*, a dial-up modem) for interactivity.

Time Warner explained that, beyond whatever program-related embedded data the FCC ultimately requires to be carried in its pending digital must-carry proceeding, it stands ready to negotiate commercial agreements with content providers regarding downstream pass-through of additional interactive embedded data as well. As to arguments that a "return path" must be made available to those seeking to provide interactive services, Time Warner noted that it currently offers no such service (either to itself or to third parties), that others (particularly the incumbent telephone companies) do so and that there is no basis for requiring the provision of a return path service, or creating a new "must-carry" return path obligation, generally or in connection with this merger.

Kindly direct any questions regarding this matter to the undersigned.

Respectfully submitted,



Wayne D. Johnson

cc: Deborah Lathen
Dale Hatfield
David Farber
Robert Pepper
James Bird
Royce Dickens
Darryl Cooper
Nancy Stevenson
Linda Senecal
International Transcription Services, Inc.