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December 20, 2000

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

Re: America Online, 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"), 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 December 19, 2000, Geroge Vradenburg III, Senior Vice President, Global and Strategic Policy and Steven N. Teplitz, Vice President, Telecommunications Policy of AOL along with the undersigned participated in a meeting with other interested parties in Commissioner Ness's office to discuss issues regarding instant messaging ("IM"). The Commissioner was joined by Mark Schneider and David Goodfriend of her staff, as well as Susan Eid of Commissioner Powell's office.

In the course of the discussion, AOL reiterated the parties' view that the record evidence, *inter alia*, demonstrates: IM has not "tipped" (and is not on the verge of "tipping") to AOL; Microsoft, having now bundled its MSN Messenger IM service with its next-generation operating system, is uniquely positioned to boost its already unprecedented growth in this arena; the fact that Time Warner is an owner of cable systems and video content does not render the issue of IM interoperability specific to this merger; concerns about a possible future marketplace for "advanced IM" services -- including presumptions about any potentially "essential" inputs for such services, the potential providers of such inputs, and the potential substitutes for such advanced services -- remain matters of unsupported, and at best premature, speculation; and the IM feature of Internet service (as well as suggested "advanced IM" services) fall squarely into the category of "information services" as to which the FCC has steadfastly embraced a longstanding policy of "unregulation."

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Kindly direct any questions regarding this matter to the undersigned.

Respectfully submitted,

/s/ Peter D. Ross

Peter D. Ross

cc: Commissioner Susan Ness  
David Goodfriend of Commissioner Ness's Office  
Mark Schneider of Commissioner Ness's Office  
Susan Eid of Commissioner Powell's Office  
Sherille Ismail, Deputy Chief, Cable Services Bureau  
James Bird, Assistant General Counsel, Office of General Counsel  
Royce Dickens, Deputy Chief, Policy and Rules Division, Cable Services Bureau  
Linda Senecal, Cable Services Bureau  
International Transcription Services, Inc.