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August 31, 2000

RECEIVED

AUG 31 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW – The Portals
TW-B204
Washington, D.C. 20554

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

Dear Ms. Salas:

On August 30, 2000, Johnny Scarborough of iCast, Jon Englund of Excite@Home, Marilyn Cade of AT&T, Marc Berejka of Microsoft, Gerry Waldron and Erin Egan of Covington & Burling for Microsoft, and the undersigned, counsel to AT&T, met with Royce Dickens and Darryl Cooper with the Cable Bureau, John Berresford with the Common Carrier Bureau, Jim Bird and Joel Rabinowitz with the OGC; and Messrs. Scarborough, Englund, Berejka and Waldron met with Robert Pepper and Michael Kende of OPP. On August 31, 2000, Messrs. Englund, Berejka, Waldron and the undersigned met with David Goodfriend of Commissioner Ness' office. The purpose of each meeting was to discuss the interoperability of instant messaging (IM) networks, the impact of the proposed AOL/Time Warner merger on the IM industry, and the need for Commission action to ensure interoperability of this service which will be a platform for dynamic business and consumer applications in the near future.

Specifically, during the three meetings we informed the staff about the progress that IMUnified has made in developing an interim protocol for exchange of IM among the nine companies participating in the project. The companies also emphasized how IM will serve as a platform for a range of applications, including weather and traffic alerts, news and entertainment distribution, communications by the deaf community, voice-over-the-Internet, and interactive television. We then discussed the jurisdictional basis for Commission action to promote interoperability in the context of the merger review, specifically discussing the public interest standard, the pro-competitive provisions in the 1996 Act and Section 230, and title VI. We also explained how the concerns about IM interoperability are specific to this proposed merger. In particular, we discussed how, absent appropriate interoperability conditions, such cessation of

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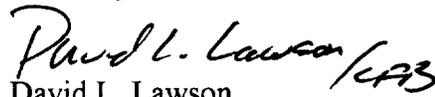
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blocking, the combination of AOL's dominant IM service with Time Warner's vast content and cable holdings would harm the public interest.

If you have any questions, please contact the undersigned.

Sincerely,


David L. Lawson

CC: James Bird
To-Quyen Troung
Royce Dickens
Linda Senecal