

January 9, 2001



Magalie Roman-Salas  
Secretary, Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: CS Docket No. 00-30  
AOL-Time Warner Merger**

**CS Docket No. 99-251  
AT&T/MediaOne Merger**

**Notice of Oral *Ex Parte* Presentation**

Dear Ms. Roman-Salas:

Pursuant to Section 1.1206(b) of the Commission's rules, this letter provides notice of a January 8, 2001 oral *ex parte* presentation by Andrew Jay Schwartzman of Media Access Project in a telephone conversation with William J. Friedman, Legal Assitant to Commissioner Tristani.

Mr. Schwartzman reiterated the priority his clients placed on assuring that any order granting the AOL/ Time Warner applications should be conditioned on assurances that local and regional ISP's be afforded access. He stated that this would advance the Commission's public interest objectives of diversity and localism, especially in light of the First Amendment benefits derived from affording citizens the opportunity to engage in civic discourse.

Mr. Schwartzman also endorsed interoperability for instant messaging services. He stated that a mere requirement that a second, unaffiliated IM service be available on any cable internet system was of limited utility. He expressed the view that providing more services was important, and that the standard for waiving those obligations should be high, consistent with ordinary principles of administrative law. He expressed the view that ultimately, competition in instant messaging would become more robust, in contrast to "open access," which might never develop absent FCC action.

Respectfully submitted,

Andrew Jay Schwartzman  
Counsel for CU, *et al.*

cc. William J. Friedman