

December 22, 2000



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 December 21, 2000 oral *ex parte* presentation to Chief of Staff Kathryn Brown by Andrew Jay Schwartzman of Media Access Project and Gene Kimmelman of Consumers Union.

Messrs. Kimmelman and Schwartzman reviewed issues surrounding AT&T's December 19, 2000 "clarification" of its December 15, 2000 letter purporting to elect a spin-off of Liberty Media to comply with the June, 2000 AT&T/MediaOne decision. They presented Consumers Union's December 20, 2000 response, and argued that the law on the matter is clear.

Mr. Schwartzman told Ms. Brown that his clients had requested action by the end of that day, *i.e.*, December 21, 2000, and that they were prepared to seek immediate judicial review if appropriate action were not immediately forthcoming. He said that the Commission should close the door on future manipulation. In particular, he said that any election AT&T may have been deemed to have made on December 15, 2000 must be treated as final. He said the Commission should not invite waiver applications or other future actions that placed that finality in doubt.

Respectfully submitted,

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

cc. Kathrn Brown