

January 3, 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**

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 2, 2000 oral *ex parte* presentation by Gene Kimmelman of Consumers Union in a telephone conversation with Chief of Staff Kathryn Brown.

Mr. Kimmelman reiterated the importance of assuring interoperability in provision of instant messaging services. He stressed that affording access to but a single additional instant messaging providing was incompatible with the open architecture and non-discriminatory principles which have enabled the internet to transform our economy. He urged strong FCC action to insure that AOL/Time Warner's broadband systems are accessible to competing instant messaging providers.

Respectfully submitted,

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

cc. Kathryn Brown