

September 29, 2000

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



**Re: CS Docket No. 00-30  
CS Docket No. 99-251  
Notice of *Ex Parte* Presentation**

**AOL-Time Warner Merger  
AT&T - MediaOne Merger**

Dear Ms. Roman-Salas:

Pursuant to Section 1.1206(b)(2) of the Commission's rules, this letter memorializes a meeting on September 29, 2000, of Andrew Jay Schwartzman and Harold Feld of the Media Access Project (MAP) and Gene Kimmelman, Co-Director of Consumers Union's Washington Office and James Bird of the Office of General Counsel. During this meeting, Mr. Schwartzman and Mr. Kimmelman raised the following issues pertaining to the above captioned proceedings:

1. With respect to AOL's ownership interest in DirecTV, the attribution rules do not represent a "safe harbor." The Commission must make a fact-based determination that AOL-TW's level of influence is consistent with the public interest. The failure to require divestiture runs the risk of recreating conditions confronted in the Primestar cases.
2. The instant messaging, interactive television, and set-top box issues raised in this proceeding are very important, and the Commission needs to examine the concerns raised over the course of the proceeding.
3. Recent events underscore the Commission's error in failing to consolidate the AT&T/MediaOne docket with this case and provides additional support for reconsideration in CS 99-251. In particular, information developed in the course of the AOL-TW merger demonstrates that the Commission needs to sever cross-interests between AOL-TW and AT&T. For example, the Commission had not thoroughly examined the implications of interactive television in the AT&T/MediaOne transaction. The recent Section 706 report developed by the Commission confirms that cable continues to widen the gap with DSL, making the basis for the Commission's decision to reject an open access condition suspect.

Sincerely,

Harold Feld  
Associate Director

cc: James Bird

