

December 21, 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 20, 2000 oral *ex parte* presentation to Commissioner Ness by Andrew Jay Schwartzman of Media Access Project and Gene Kimmelman of Consumers Union.

Messrs. Kimmelman and Schwartzman reviewed issues surrounding AT&T's letter of December 15, 2000 purporting to elect a spin-off of Liberty Media to comply with the June, 2000 AT&T/MediaOne decision. They argued that the staff letter of December 18, 2000 contained a sound analysis, and that the Commission should act with the greatest speed to resolve the matter. They stated that the Commission should direct a divestiture of AT&T's TWE assets, employing its jurisdiction under the June, 2000 Order, its review of the pending reconsideration of that order, or by using the opportunity presented by the pending AOL/Time Warner transaction. With regard to the TWE divestiture, they supported the notion of FCC supervision to insure that neither party uses the negotiation process to extract anticompetitive advantages in the programming or Internet services markets.

Messrs. Kimmelman and Schwartzman also urged Commissioner Ness to consider whether the Commission should direct that any order granting the AOL/Time Warner applications should be conditioned on assurances that local and regional ISP's be afforded access. They stated that this would cause minimal disruption to AOL/Time Warner while advancing the Commission's public interest objectives of diversity and localism.

Respectfully submitted,

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

cc. Commissioner Ness