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September 27, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: CS Docket No. 00-30; In the Matter of Applications of America Online, Inc. and
Time Warner, Inc. for Transfers of Control

Dear Ms. Salas:

This letter provides notice to the Commission that an associate attorney of this Firm inadvertently breached the protective order adopted April 6, 2000 (DA 00-780) in this proceeding. On Friday, September 22, 2000, the attorney provided two in-house counsels in the Government Relations Group in the Washington, D.C. office of the Walt Disney Company with a very brief e-mail description of a number of confidential documents subject to the protective order. The attorney provided this information under a mistaken belief that the in-house counsels had executed the required acknowledgments of confidentiality.

The inadvertent disclosure was discovered within an hour of its occurrence, and immediate steps were taken to rectify the situation. The attorney responsible for the e-mail transmission immediately telephoned Disney's in-house counsels to reiterate that the e-mail related to confidential documents, and they should not have received it. Unfortunately, in the interval between the original transmission and the telephone call, the e-mail was retransmitted by one of the original Disney recipients to a number of other Disney personnel. In response to the telephone call from our attorney, the Disney counsel immediately sent out an e-mail, advising the other recipients that the earlier e-mail contained confidential information and to disregard it. As an additional protective measure, the recipients were instructed to delete the e-mail from all files.

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As required under the Commission's April 6, 2000 protective order, a copy of this notice has been provided to counsel for America Online, Inc. and Time Warner, Inc.

Respectfully submitted,

VERNER LIIPFERT BERNHARD McPHERSON & HAND

By Lawrence R. Sidman
Lawrence R. Sidman
Counsel to the Walt Disney Company

cc: Peter D. Ross, Esquire
Arthur H. Harding, Esquire