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FEDERAL COMMUNICATIONS COMMISSION
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RUTH MILKMAN
DIRECT (202) 777-7726

January 9, 2001

By Hand

Magalie Roman Salas
Secretary
Federal Communications Commission
Room CY-A257
445 Twelfth Street, SW
Washington, D.C. 20554

Re: *Oral Ex Parte*
In the Matter of Applications of America Online, Inc. and Time Warner, Inc. for
Transfers of Control, CC Docket No. 00-30

Dear Ms. Salas:

On January 8, 2001, Jon Englund, Vice President, Policy and Government Affairs, Excite@Home Corporation, spoke by telephone to David Goodfriend, Legal Advisor to Commissioner Ness. In that telephone call, Mr. Englund discussed Excite@Home's position on interoperability for instant messaging (IM). Mr. Englund explained that non-interoperability of IM is a threat to competition, and, therefore, that any Commission approval of the Time Warner, Inc./America Online, Inc. merger must include specific and enforceable conditions that will result in IM interoperability for the benefit of all consumers.

Pursuant to section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. §1.1206(b)(1), an original and one copy of this letter are being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,



Ruth Milkman

cc: David Goodfriend

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