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December 21, 2000

BY HAND DELIVERY

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

**Re: Applications of America Online, Inc. and Time Warner Inc. for  
Transfers of Control (CS Docket No 00-30) /  
Notice of Ex Parte Presentation**

Dear Ms. Salas:

Submitted herewith pursuant to Section 1.1206(b)(1) of the Commission's rules are two copies of a letter that was sent to Chairman Kennard in the context of the above-captioned proceeding. Similar letters were delivered to the other Commissioners. Please include this filing in the public record in this matter.

Kindly address any questions to the undersigned.

Sincerely,



Gerard J. Waldron

Attachment

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

December 21, 2000

Chairman William E. Kennard  
Federal Communications Commission  
445 12th Street, SW – The Portals  
Washington, D.C. 20554

Dear Chairman Kennard:

The undersigned members of IMUnified submit this letter to reconfirm their commitment to promoting interoperability among competing instant messaging (IM) systems.

Achieving interoperability provides consumers with the freedom to choose among competitive yet compatible instant messaging products. This is critical to the growth of this technology and development of a next-generation multimedia Internet.

IMUnified was created with this specific goal in mind. Over the past six months, members of IMUnified have been working toward a technical specification for functional interoperability. The specification will allow a basic level of interoperability between competing systems. We expect to make public the first fruits of our efforts in the very near term. In addition, IMUnified members have actively participated in the IETF process, working to develop open standards that will support even more robust interoperability. Finally, certain IMUnified members have been trying to assist the Commission in its deliberations over how to condition the AOL/Time Warner merger so that interoperability with the world's largest IM service can be expedited.

We have dedicated these resources to achieve IM interoperability because interoperability among IM providers will deliver important benefits to consumers. Consistent with the Commission's policy goals of fostering competition and innovation, IM interoperability will promote the development of new IM features and ensure consumers have a range of choices with respect to IM offerings. Unfortunately, AOL has violated this core principle by preventing other companies from exchanging messages with AOL customers and by refusing to work in the IETF process.

Despite our substantial efforts, AOL has suggested that our companies somehow would refuse to reciprocate if AOL were to interoperate with our systems. Our companies recognize that the primary benefit of interoperability is that our users can "talk" to users of other systems. We have been and continue to be fully prepared to ensure that AOL will be able to interoperate with our systems. By interoperating with AOL, we will simultaneously accelerate innovation and consumer choice.

Chairman William E. Kennard  
December 21, 2000  
Page 2

Ultimately, the only question we have is why AOL consistently refuses to take any concrete steps with the IM industry to achieve these goals.

Thank you for considering our views. Please place this letter in the appropriate file.

Sincerely,

AT&T

Microsoft

Yahoo!

Excite@Home

Odigo

Prodigy