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December 26, 2000

BY HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th 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 Communication**

Dear Ms. Salas:

This letter is to inform the Commission that on December 22, the undersigned had conversations with Jay Friedman, Legal Advisor to Commissioner Tristani, and David Goodfriend, Legal Advisor to Commissioner Ness, about possible remedies regarding instant messaging ("IM") interoperability in the context of the above-captioned proceeding.

In both discussions, I explained that the members of IMUnified are committed to a reciprocal exchange of IM traffic with AOL and that AOL's suggestion that a condition, such as one requiring AOL to enable the customers of third-party IM providers to communicate with AOL's IM customers by a date certain, would result in one-way interoperability is simply false. I emphasized that the members of IMUnified have worked to achieve interoperability among themselves and are anxious to interoperate, on a two-way basis, with AOL. I also explained that unless the Commission takes concrete steps to require AOL to become interoperable with third-party IM providers, the future of interoperability among *any* IM providers is in doubt. Finally, I stressed the need for the Commission to address the serious problem of non-interoperability of IM, especially in the broadband context, before approving this merger. I explained that we are not seeking to delay approval of the merger but that the IM Competitors seek a meaningful and enforceable merger condition that will prevent anticompetitive harms to this critical platform for communications.

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Please do not hesitate to contact me if we may provide you with further information.

Sincerely,

Gerard J. Waldron

cc: Mr. David Goodfriend
Mr. William Jay Friedman
Ms. Royce Dickens
Ms. Linda Senecal
Mr. Jim Bird
International Transcription Services, Inc.