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**OCT 30 1998**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BY HAND DELIVERY**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

**Re: In the Matter of Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996 (CC Docket No. 98-146)**

**In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability (CC Docket No. 98-147)** /

Dear Ms. Salas:

Yesterday Charles Brewer, Chairman and Chief Executive Officer of MindSpring Enterprises, Inc. met at the request of Commission staff with Robert Pepper and Johnson Garret of the Office of Plans and Policy, Marcelino Ford-Levine of New Media Policy, Jennifer Fabian and Jonathon Askin of the Common Carrier Bureau, and Alan Cohen of the International Bureau. The meeting was to discuss the Commission's Notice of Inquiry and Notice of Proposed Rulemaking related to Section 706 of the Telecommunications Act.

Ms. Magalie R. Salas  
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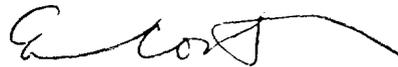
At the meeting Mr. Brewer explained how MindSpring operates as a business in the current regulatory and technical environment, as well as the impact that the transition to a broadband, packet-switched environment will have on the Internet and the services that companies like MindSpring can provide. In particular, Mr. Brewer urged the Commission to ensure that in the evolving packet-switched broadband world that customers will continue to have access to the Internet Service Provider (ISP) of their choice without first having to go through an ISP affiliated with the Incumbent Local Exchange Carrier or the cable system owner.

The attached exhibits were given to the Commission staff. They summarize the items presented and the points Mr. Brewer made in his presentation.

I have hereby submitted four copies of this ex-parte notice and enclosure to the Secretary, two for each of the above captioned proceedings, as required by the Commission's rules. Please return a date-stamped copy of the enclosed (copy provided).

Please contact the undersigned if you have any questions.

Respectfully submitted,



Earl Comstock  
Sher & Blackwell  
Counsel for MindSpring Enterprises, Inc.

Enclosure