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June 7, 2000

Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., Room TW B204  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Ex parte Presentation in Matter of Applications of America Online, Inc. and Time Warner, Inc. for Transfers of Control, CS Docket No. 00-30

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's rules, enclosed please find two copies of the following ex parte presentation in the matter of Applications of America Online, Inc. and Time Warner, Inc. for Transfers of Control, CS Docket No. 00-30.

Sincerely,

<b>Activate</b>	<b>Craftshop.com</b>	<b>Lumeria</b>	<b>Surfinsync</b>
<b>Adforce</b>	<b>DynamicSoft</b>	<b>MSN.com</b>	<b>Thing World</b>
<b>Alibiris</b>	<b>Engage</b>	<b>multimate.net</b>	<b>Trancos</b>
<b>AltaVista</b>	<b>Excite@Home</b>	<b>My Way</b>	<b>Tribal Voice</b>
<b>AnswerLogic</b>	<b>Foodbuy.com</b>	<b>Navisite</b>	<b>uBid</b>
<b>Awz.com</b>	<b>Fujitsu Laboratories of America</b>	<b>Next Monet</b>	<b>Vicinity</b>
<b>BizBuyer.com</b>	<b>Gameexpress.com</b>	<b>Odigo</b>	<b>Webbe</b>
<b>Blue Mountain Arts</b>	<b>iCAST.com</b>	<b>Oncology.com</b>	<b>Webshots</b>
<b>Boatscape.com</b>	<b>iDapta.com</b>	<b>Radiate</b>	<b>Yesmail</b>
<b>Carparts.com</b>	<b>IronMax</b>	<b>Red Gorilla</b>	<b>1<sup>st</sup> Up</b>
<b>CMGI Solutions</b>	<b>KOZ.com</b>	<b>Snapfish</b>	

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Cc: The Honorable William Kennard  
James Bird  
To-Quyen Truong  
Royce Dickens  
Linda Senecal  
International Transcription Service

June 7, 2000

The Honorable William Kennard  
Chairman, Federal Communications Commission  
445 Twelfth Street, S.W., Room 8B 201  
Washington, D.C. 20554

Re: Ex parte Presentation in Matter of Applications of America Online, Inc. and Time Warner, Inc. for Transfers of Control CS Docket No. 00-30

Dear Chairman Kennard:

We are writing regarding the issue of instant messaging, which has recently been the subject of debate at in relation to the proposed merger of America Online and Time Warner.

While we are involved in many different types of businesses, we all share a strong interest in making sure the open and interoperable communication functions that have helped fuel the explosive growth of the Internet continue as the medium makes new forms of communications possible. We know that both of your agencies are evaluating how to address the current instant messaging situation. In light of that evaluation, we would like to offer three observations.

1. Instant Messaging will become a large and critical communications function

Instant messaging is one of the fastest growing, if not the fastest growing, communications function on the Internet. Though Instant Messaging is just a few years old, users already generate over a billion messages a day -- far more than the entire mail volume of the U.S. Postal Service. And the growth is only beginning. Companies are developing a number of new commercial and consumer applications.

2. Businesses and Individuals should be able to exchange instant messages regardless of which product, or which service provider, they use.

A bedrock principle of our approach to communications has been that users of critical communications functions should be able to communicate with all others, even those who use different service providers. ILECs are not allowed to prevent CLEC customers from calling ILEC customers. AT&T would not be allowed to block its customers from receiving calls from Sprint's customers. It would have been a disaster for the Internet if e-mail had been held captive to a proprietary technology so that users of one e-mail system could not communicate with e-mail users of a different system or if one company could dictate the terms by which all others companies could use e-mail. Instant messaging must be subject to the same principle.

3. The government should support the principle of open standards and interoperability for instant messaging, as it has for other critical communications functions

The government has been appropriately vigilant in the past in assuring that communications networks benefit from open standards and interoperability. For example, the government provided that various interfaces in the telephone network would be subject to open standards. As a result, innovation, competition and consumer choice flourished in ways that would not have occurred if the technology were the proprietary property of a single provider. Today's e-mail and telephone systems pass communications back and forth seamlessly precisely because the hand-off of traffic is done pursuant to an open technological standard, rather than a proprietary standard. For the government to support the principle of open standards does not require that the government regulate or set the standard. But the government should make it clear to the marketplace its expectation that no single provider will be allowed to put a wall around the market, either to keep their customers in or to keep competition and innovations out.

Pursuant to Section 1.1206 of the Federal Communications Commission's Rules, two copies of this letter, under separate cover, have been submitted to the Office of the Commission's Secretary for inclusion in the public record.

Thank you for your consideration of our views.

Sincerely,

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