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FEDERAL COMMUNICATIONS COMMISSION  
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September 25, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
12th Street Lobby  
Counter TW-A325  
Washington, D.C. 20554

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

Dear Ms. Salas:

On September 22, a conference call was held between Darryl Cooper with the Cable Services Bureau, Pieter Van Leeuwen and Michael Kende with OPP, Marc Berejka from Microsoft and the undersigned, Marilyn Cade from AT&T and David Lawson with Sidley & Austin, to discuss various issues related to Commission consideration of conditions affecting instant messaging (IM) in the context of the above-captioned proceeding. In particular, we discussed possible definitions of the IM market, including one focused on consumers and one focused on future applications. In that context, we discussed how the Commission and other regulatory authorities have reviewed the impact of mergers on innovation and potential applications. We also explained that in other mergers the Commission has considered the impact of a proposed merger on consumers even where consumers pay no price for the good or service, in addition to reviewing the merger's impact on content or advertising suppliers. Finally, we emphasized the limited nature of the action being urged on the Commission, which is not to regulate the Internet but to promote private sector resolution, by a date certain, of the important matter of IM interoperability.

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If you have any questions, please contact the undersigned.

Sincerely,



Gerard J. Waldron

GJW/cad

cc: Mr. Darryl Cooper  
Mr. Pieter Van Leeuwen  
Mr. Michael Kende