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December 21, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.—The Portals  
TW-B204  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

Dear Ms. Salas:

On behalf of America Online, Inc. ("AOL"), submitted herewith pursuant to Section 1.1206(b)(2) of the Commission's rules are an original and one copy of this notice regarding a permitted oral *ex parte* presentation in the above-referenced proceeding. On December 20, 2000, Steven N. Teplitz, Vice President, Telecommunications Policy of AOL and the undersigned had a conversation with Karen Edwards Onyeije of Chairman Kennard's office regarding instant messaging ("IM") services.

AOL reiterated that the record evidence demonstrates that IM: has not "tipped" (and is not on the verge of "tipping") to AOL; is not an issue specific to this merger; and is an "information service" regarding which the FCC has steadfastly embraced a longstanding policy of "unregulation." AOL also discussed how the FCC could rely on any number of potential marketplace developments that will serve to confirm that a merged AOL Time Warner will hold no irreversible position in any "market" that encompasses "advanced IM" services, including: marketplace progress towards a contractually governed *de facto* standard; evidence of a significant competitor already offering an "advanced IM" service prior to any such AOL Time Warner offering; or various other demonstrations inconsistent with the notion that AOL Time Warner is likely or able to dominate "advanced IM" services.

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Kindly direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter D. Ross". The signature is stylized and cursive.

Peter D. Ross

cc: Karen Edwards Onyeije, Legal Advisor to Chairman Kennard  
James Bird, Senior Counsel, Office of General Counsel  
Sherille Ismail, Deputy Chief, Cable Services Bureau  
Royce Dickens, Deputy Chief, Policy and Rules Division, Cable Services Bureau  
Linda Senecal, Cable Services Bureau  
International Transcription Services, Inc.