

EX PARTE OR LATE FILED

COVINGTON & BURLING

ORIGINAL

1201 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004-2401  
TEL 202.662.6000  
FAX 202.662.6291  
WWW.COV.COM

WASHINGTON  
NEW YORK  
LONDON  
BRUSSELS  
SAN FRANCISCO

January 8, 2001

RECEIVED

JAN - 8 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BY HAND DELIVERY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> 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 Presentation**

Dear Ms. Salas:

Submitted herewith pursuant to Section 1.1206(b)(2) of the Commission's rules are an original and one copy of a notice regarding permitted oral ex parte presentations in the above-captioned proceeding. On January 5, 2001, the undersigned had conversations with Jay Friedman, Senior Legal Advisor to Commissioner Tristani, David Goodfriend, Legal Advisor to Commissioner Ness, and Kathy Brown, Chief of Staff to Chairman Kennard, and on January 7, 2001, Marc Berejka of Microsoft Corp. spoke with Mark Schneider, Senior Legal Advisor to Commissioner Ness, to discuss the imposition of meaningful and enforceable conditions in the merger. We stressed the need for conditions that will enable multiple parties to participate in the IM and broadband markets. We also reiterated the points raised in our January 4, 2001, ex parte letter regarding the elements of a workable and enforceable condition. In addition, on January 5, 2001, Mr. Berejka corresponded with Ms. Brown, Mr. Goodfriend, Kyle Dixon, Legal Advisor to Commissioner Powell, Mr. Friedman, and Helgi Walker, Senior Legal Advisor to Commissioner Furchtgott-Roth, regarding IM and how strong competition in the ISP market will best serve consumers' interests.

Kindly address any questions to the undersigned.

Sincerely,



Gerard J. Waldron  
Counsel to Microsoft

No. of Copies rec'd 071  
List ABCDE

**COVINGTON & BURLING**

Ms. Magalie Roman Salas  
January 8, 2001  
Page 2

cc: Ms. Kathy Brown  
Mr. Mark Schneider  
Mr. David Goodfriend  
Mr. Kyle Dixon  
Mr. Jay Friedman  
Ms. Helgi Walker  
Ms. Royce Dickens  
Ms. Linda Senecal  
Mr. Jim Bird  
International Transcription Services, Inc.