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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MEDIA  
ACCESS  
PROJECT

Magalie Roman-Salas  
Secretary, Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: CS Docket No. 00-30,  
AOL-Time Warner Merger

**Notice of Written *Ex Parte* Presentation**

Dear Ms. Roman-Salas:

Pursuant to Section 1.1206(b) of the Commission's rules, this letter provides notice of January 4, 2000 *ex parte* presentations by Andrew Jay Schwartzman of Media Access Project.

The attached draft language was faxed to the following staff members:

Chairman Kennard

Kathryn Brown, Chief of Staff

Karen Edwards Onyeije, Legal Advisor to the Chairman

William J. Friedman, Legal Advisor to the Commissioner Tristani

David Goodfriend, Legal Advisor to the Commissioner Ness

James Bird, OGC

Respectfully submitted,

Andrew Jay Schwartzman  
Counsel for CU, *et al.*

cc. Chairman Kennard  
Kathryn Brown  
Edwards Onyeije  
William J. Friedman  
David Goodfriend  
James Bird

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List: A B C D E

To implement the obligations laid out in the FTC-AOL Time Warner consent decree:

Prior to offering cable modem service to its own cable television subscribers,

AOL Time Warner shall enter into a contract with at least one local and one regional ISP in each franchise area in which cable modem service is made available by AOL Time Warner or any of its affiliates.

A local ISP is defined as an ISP (1) which has subscribers within the franchise area, and (2) with a majority of its customers located within the metropolitan statistical area (MSA) in which the franchise is located.

A regional ISP is defined as an ISP (1) which has subscribers within the franchise area and (2) with a majority of its customers located within no more than three metropolitan statistical areas contiguous with the MSA in which the franchise is located.

In the event that there are no local ISPs in a franchise area, contracts with two regional ISPs shall be executed.

In the event there are no regional ISPs in a franchise area, contracts with two local ISPs shall be executed.