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January 4, 2001

**By Hand**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
Room CY-A257
445 Twelfth Street, SW
Washington, D.C. 20554

Re: *Oral Ex Parte*
In the Matter of Applications of America Online, Inc. and Time Warner, Inc. for Transfers of Control, CC Docket No. 00-30

Dear Ms. Salas:

On January 3, 2001 Jon Englund, Vice President, Policy and Government Affairs, Excite@Home Corporation, spoke by telephone to David Goodfriend, legal advisor to Commissioner Ness, and George Bell, Chairman and Chief Executive Officer, Excite@Home, spoke by telephone to Jay Friedman, senior legal advisor to Commissioner Tristani. In those calls, Mr. Englund and Mr. Bell described Excite@Home's perspective on interoperability for instant messaging, and stressed that any Commission approval of the Time Warner, Inc./America Online, Inc. merger must include meaningful and enforceable conditions to address the problem of non-interoperability of IM.

Pursuant to section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. §1.1206(b)(1), an original and one copy of this letter are being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,

Ruth Milkman

cc: David Goodfriend
Jay Friedman

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