

ORIGINAL

Wiley, Rein & Fielding

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January 3, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W. --- The Portals
TW-B204
Washington, DC 20554

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EX PARTE OR LATE FILED
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: America Online, Inc. Notice of *Ex Parte* Presentations
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 permitted oral *ex parte* presentations in the above-referenced proceeding. On January 2, 2001 Richard E. Wiley of Wiley, Rein and Fielding had separate conversations with FCC Chief of Staff Kathryn C. Brown and Mark Schneider of Commissioner Ness's office.

Mr. Wiley discussed AOL's interest in a prompt conclusion to these proceedings and reiterated the concerns expressed in AOL's December 19, 2000 *ex parte*. Mr. Wiley also addressed IM interoperability and 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, as indicated in AOL's December 19, 2000 and December 21, 2000 *ex partes*.

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Kindly direct any questions regarding this matter to the undersigned.

Respectfully submitted,



Peter D. Ross

cc: Kathryn C. Brown, FCC Chief of Staff
Mark Schneider, Commissioner Ness's Office
James Bird, Assistant General 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.