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January 11, 2001

By Hand

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 10, 2001, Jon Englund, Vice President, Policy and Government Affairs, Excite@Home Corporation, spoke by telephone to David Goodfriend, Legal Advisor to Commissioner Ness. In that telephone call, Mr. Englund discussed Excite@Home's position on interoperability for instant messaging (IM) and explained that any Commission approval of the Time Warner, Inc./America Online, Inc. merger must include specific and enforceable conditions ensuring IM interoperability.

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,

Gil Strobel

cc: David Goodfriend

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