

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

ORIGINAL

Fernando R. Laguarda

202 434 7300
202 434 7400 fax

Direct dial 202 434 7347
laguarda@mintz.com

June 24, 2003

RECEIVED

JUN 24 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street, S.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Notice of Ex Parte Presentation
CS Docket No. 00-30

Dear Ms. Dortch:

On June 23, 2003, Steven Teplitz of AOL Time Warner Inc., Andrew Long of Wiley, Rein and Fielding and the undersigned spoke with Jordan Goldstein and Jarrett Taubman of Commissioner Michael J. Copps' office to discuss the above-referenced proceeding. We set forth the arguments reflected in our comments and reply comments in this proceeding. In response to questions, we explained why the evidence over the last two years indicates that AOL is not "dominant" in instant messaging ("IM") and why IM is not likely to "tip" to AOL.

Pursuant to sections 1.1206(b) of the Commission's rules, an original and one copy of this letter is being filed with the Office of the Secretary. Copies are also being served on the Commission participants in the meeting. Any questions concerning this submission should be addressed to the undersigned.

Sincerely,

Fernando R. Laguarda

cc: Jordan Goldstein, Senior Legal Advisor
Jarrett Taubman, Intern

WDC 335843v1

