



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12<sup>th</sup> STREET, S.W.

WASHINGTON, D.C. 20554

**DA 00-689**

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

## CABLE SERVICES BUREAU ACTION

**March 27, 2000**

### **AMERICA ONLINE, INC. AND TIME WARNER INC. SEEK FCC CONSENT FOR A PROPOSED TRANSFER OF CONTROL CS DOCKET NO. 00-30**

**Petitions/Comments due: April 26, 2000**  
**Oppositions/Responses due: May 11, 2000**

On February 11, 2000, America Online, Inc. (AOL) and Time Warner Inc. (Time Warner) filed joint applications under Sections 214 and 310(d) of the Communications Act, 47 U.S.C. §§ 214, 310(d), requesting Commission approval of the transfer of control to AOL Time Warner of licenses and authorizations controlled by AOL and by Time Warner or its affiliates or subsidiaries. On March 21, 2000, the parties supplied the Commission with a supplemental public interest statement.<sup>1</sup> This transfer of control would take place as the result of the proposed merger of AOL and Time Warner, following which both AOL and Time Warner would become wholly owned subsidiaries of a newly formed holding company, AOL Time Warner. The ultimate ownership and control of those entities holding licenses and authorizations would be transferred from AOL and Time Warner to AOL Time Warner.

AOL and Time Warner submit that the public interest will benefit from the proposed transaction which will combine the strengths of the two companies to build an integrated media and communications company capable of enhancing consumers' access to the broadest selection of high-quality content and interactive services.

Interested parties may file comments or petitions to deny the applications no later than **April 26, 2000**. Oppositions or responses to these comments and petitions may be filed no later than **May 11, 2000**.

For administrative convenience, the various applications listed below have been consolidated into one general docket. The Cable Services Bureau will have primary responsibility for reviewing the applications. All filings regarding any aspect of the proposed merger should reference the Cable Services docket assigned to this proceeding, **CS Docket No. 00-30**.

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<sup>1</sup>On March 6, 2000, FCC General Counsel Christopher Wright requested that AOL and Time Warner amend their filing by providing additional information necessary to substantiate claims made in the February 11 public interest statement, so that the public may have a more meaningful opportunity to comment.

## **EX PARTE STATUS OF THIS PROCEEDING**

Because this proceeding involves broad public policy issues, the Cable Services Bureau will treat the proceeding as "permit but disclose" for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. Should circumstances warrant, the Bureau may designate this proceeding and all interrelated proceedings as restricted. As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.<sup>2</sup>

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206 (b) as well. Interested parties are to file with the Commission Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW B204, Washington, D.C. 20554, and serve James Bird, Office of General Counsel, 445 12th Street, S.W., 8-C818, Washington, D.C. 20554, To-Quyen Truong, Associate Chief, Cable Services Bureau, 445 12th Street, S.W., 3-C488, Washington, D.C. 20554, Royce Dickens, Cable Services Bureau, 445 12th Street, S.W., 3-A729, Washington, D.C. 20554, Linda Senecal, Cable Services Bureau, 445 12th Street, S.W., 3-A734, Washington, D.C. 20554, and International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, with copies of any written *ex parte* presentations in these proceedings filed in the manner specified above.

## **TRANSFER OF CONTROL APPLICATIONS**

The applications for transfer of control of Time Warner's and AOL's authorizations and licenses to AOL Time Warner include numerous Commission authorizations and licenses. Attached is a list of the authorizations and licenses involved in this transaction. They are separated by type of authorization and license, and, within each category, by the subsidiary or affiliate that holds the authorization or license. Each subsidiary or affiliate may hold multiple authorizations or licenses of a particular type. Interested parties should refer to the transfer of control applications for a listing of the authorizations or licenses. Parties should be aware that additional applications may have to be filed to identify any additional authorizations in the services noted. AOL and Time Warner have requested that grant of the applications listed herein include the authority for AOL Time Warner to acquire control of: (1) any authorization issued to AOL or Time Warner or subsidiaries and affiliates during the Commission's consideration of the transfer of control applications and the period required for consummation of the transaction following Commission approval; (2) construction permits held by licensees involved in this transfer of control that mature into licenses after closing and that may have been omitted from the transfer of control applications; and (3) applications that will have been filed by such licensees and that are pending at the time of consummation of the proposed transfer of control.

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<sup>2</sup>An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. 47 C.F.R. Sec. 1.1201.

## GENERAL INFORMATION

The applications for transfer of control of the licenses/authorizations referenced herein have, upon initial review, been accepted for filing. The Commission reserves the right to return any applications if, upon further examination, they are determined to be defective and not in conformance with the Commission's rules and policies.

Final action will not be taken on the applications earlier than 31 days following the date of this Notice. Interested parties may file pleadings as indicated above regarding the applications. An original and 4 copies of all pleadings, in accordance with Section 1.51(c) of the Commission's Rules, 47 C.F.R. §1.51(c), must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW B204, Washington, D.C. 20554. One copy of each pleading also must be filed with other offices, as follows: (1) International Transcription Service, Inc., the Commission's duplicating contractor, at its office at 1231 20th Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800; (2) James Bird, Office of General Counsel, 445 12th Street, S.W., 8-C818, Washington, D.C. 20554; (3) To-Quyen Truong, Associate Chief, Cable Services Bureau, 445 12th Street, S.W., 3-C488, Washington, D.C. 20554; (4) Royce Dickens, Cable Services Bureau, 445 12th Street, S.W., 3-A729, Washington, D.C. 20554; (5) Matthew Vitale, International Bureau, 445 12th Street, S.W., 6-A821, Washington, D.C. 20554; (6) Marilyn Simon, International Bureau, 445 12th Street, S.W., 6A-633, Washington, D.C. 20554; (7) Monica Desai, Wireless Telecommunications Bureau, 445 12th Street, S.W., 4-A232, Washington, D.C. 20554; and (8) Laura Gallo, Mass Media Bureau, 445 12th Street, S.W., 2-A640, Washington, D.C. In addition, twelve copies of each pleading must be filed with Linda Senecal, Cable Services Bureau, 445 12th Street, S.W., 3-A734, Washington, D.C. 20554.

In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Copies of the applications and any subsequently filed documents in this matter may be obtained from International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800, and will also be available through the Commission's Electronic Comment Filing System. Copies of the applications and documents are also available for public inspection and copying during normal reference room hours at the Commission's Reference Center, 445 12th Street, S.W., CYA-257, Washington, D.C. 20554. The Cable Services Bureau's home page <<http://www.fcc.gov/csb>> will contain electronic versions of selected key documents, including Applicants' public interest statement, public notices, and procedural orders.

For further information, contact Linda Senecal (202) 418-7044, or Richard Kalb (202) 418-1055 of the Cable Services Bureau. Press inquiries should be directed to Michelle Russo (202) 418-2358 of the

Cable Services Bureau. TTY: (202) 418-7172 or (888) 835-5322.

**ATTACHMENT**

**Domestic Fixed Satellite Service (Part 25)**

Cable News Network LP, LLLP

SES-T/C-20000211-00219

E2001

E890835

E861053

E880870

E890577

E890834

E890836

E900975

E930204

E940420

E940421

E940422

E950363

E970490

E990281

E990282

Turner Teleport, Inc.

SES-T/C-20000211-00225

KA58

Time Warner Entertainment-Advance/Newhouse Partnership

SES-T/C-20000211-00226

E990035

E990041

Turner Broadcasting System, Inc.

SES-T/C-20000211-00228

E920013

E980173

E980181

Time Warner Entertainment Company, L.P.

SES-T/C-20000211-00229

E4063

E910207

E930421

E930422

**International Section 214 (Part 63)**

ITC-T/C-2000211-00069

Time Warner Telecom Inc.  
Time Warner Connect of San Antonio, Inc.

**Television Broadcast Station (Part 73)**

BTCCT-200211AAD

WTBS(TV)  
CH. 17  
FAC ID 64033

SuperStation, Inc.  
Atlanta, GA

**Low Power Television (Part 74)**

BTCTTL-20000211AAE

W34AX  
FAC ID 64636

Time Warner Entertainment-  
Advance/Newhouse Partnership  
Henderson, NC

**Cable Television Relay Services (Part 78)**

Cablevision Industries, Inc.

CAR-50596-09	WHZ-685	Fishkill, NY
CAR-50597-09	WHZ-239	Lloyd, NY
CAR-50598-09	WHZ-502	West Point, NY
CAR-50599-09	WAD-241	Wurtsboro, NY

Century Venture Corporation

CAR-50600-09	WHZ-810	Brunswick, GA
CAR-50601-09	WLY-436	Jekyll Island, GA
CAR-50602-09	WHZ-971	Owensboro, KY
CAR-50603-09	WAW-505	Brookfield, WI
CAR-50604-09	WGZ-277	Wauwatosa, WI

CNN America, Inc.

CAR-50605-09	WHZ-931	Oakland, CA
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Florida Cablevision Management Corp.

CAR-50606-09	WLY-604	Golden Gate, FL
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Kansas City Cable Partners

CAR-50607-09	WLY-353	Ft. Leavenworth, KS
CAR-50608-09	WHZ-921	Leavenworth, KS
CAR-50609-09	WGW-207	Independence, MO
CAR-50610-09	WAE-602	Kansas City, MO
CAR-50611-09	WGW-219	Kansas City, MO

CAR-50612-09	WGW-220	Kansas City, MO
KBL Cablesystems of Minneapolis, Inc.		
CAR-50613-09	WHZ-238	Eden Prairie, MN
KBL Cablesystems of the Southwest, Inc.		
CAR-50614-09	WHZ-244	Minneapolis, MN
Massachusetts Cablevision Systems Limited Partnership		
CAR-50615-09	WAL-427	Bellevue, OH
CAR-50616-09	WAY-894	Galion, OH
CAR-50617-09	WBB-813	Upper Sandusky, OH
Paragon Communications		
CAR-50618-09	WHZ-373	Carson, CA
CAR-50619-09	WGZ-435	Mars Hill, ME
CAR-50620-09	WGV-525	Fishkill, NY
CAR-50621-09	KN-5098	Manhattan, NY
CAR-50622-09	WHW-60	Manhattan, NY
CAR-50623-09	WAF-665	New Windsor, NY
Staten Island Cable, LLC		
CAR-50624-09	WHZ-455	Elizabeth, NJ
Texas Cable Partners, L.P.		
CAR-50625-09	WHZ-504	Alton, TX
CAR-50626-09	KYZ-22	Bandera, TX
CAR-50627-09	WMC-696	Beaumont, TX
CAR-50628-09	WHZ-677	Commerce, TX
CAR-50629-09	WGI-758	Eagle Pass, TX
CAR-50630-09	WHZ-780	El Paso, TX
CAR-50631-09	WJI-36	El Paso, TX
CAR-50632-09	WLY-483	Ft. Bliss, TX
CAR-50633-09	WGI-756	Farias Ranch, TX
CAR-50634-09	KOD-36	Harlingen, TX
CAR-50635-09	KA-80625	Houston, TX
CAR-50636-09	KYX-62	Loma Vista, TX
CAR-50637-09	WGI-757	Moore, TX
CAR-50638-09	WHZ-869	One North, TX
CAR-50639-09	KYX-61	Pearsall, TX
CAR-50640-09	KOD-31	Pharr, TX
CAR-50641-09	WAF-861	Port Isabel, TX
CAR-50642-09	WBH-846	Port Neches, TX
CAR-50643-09	KOD-35	Weslaco, TX
CAR-50644-09	WGI-755	Winter Haven, TX
Time Warner Cable of Southeastern Wisconsin, L.P.		

CAR-50645-09	WLY-245	Brown Deer, WI
CAR-50646-09	WHZ-447	Milwaukee, WI
CAR-50647-09	WGZ-421	S. Milwaukee, WI

Time Warner Entertainment Company L.P.

CAR-50648-09	WBM-740	EMS-Lanai, HI
CAR-50649-09	WAE-470	Glenwood, HI
CAR-50650-09	WAX-743	Glenwood, HI
CAR-50651-09	WAB-577	Haleakala Mtn., HI
CAR-50652-09	WHZ-819	Hana, HI
CAR-50653-09	WLY-683	Hawaii Kai, HI
CAR-50654-09	WLY-240	Hawaii Kai, HI
CAR-50655-09	WAE-478	Hilo, HI
CAR-50656-09	WBM-744	Hilo, HI
CAR-50657-09	KA-80614	Honolulu, HI
CAR-50658-09	WGV-848	Kahului, HI
CAR-50659-09	WHZ-876	Kahului, HI
CAR-50660-09	WAV-644	Kaupulehu, HI
CAR-50661-09	WAN-954	Kaupulehu Lava Flow, HI
CAR-50662-09	WLY-248	Kihei, HI
CAR-50663-09	WLY-713	Lahaina, HI
CAR-50664-09	WLY-684	Lanai City, HI
CAR-50665-09	WAN-953	Mahukona, HI
CAR-50666-09	WBD-613	Mauna Kapu Peak, HI
CAR-50667-09	KA-80615	Mauna Kapu Peak, HI
CAR-50668-09	WAB-578	Maunaka Mtn., HI
CAR-50669-09	WLY-402	Meyers Ranch, HI
CAR-50670-09	WLY-415	Mililani, HI
CAR-50671-09	WLY-409	Olinda, HI
CAR-50672-09	WLY-678	Puu Koolii, HI
CAR-50673-09	WLY-685	Puu Nana, HI
CAR-50674-09	WBM-738	Puu Nana, HI
CAR-50675-09	WBM-742	Puu Nianiauu, HI
CAR-50676-09	WHZ-617	Waimalu, HI
CAR-50677-09	WBD-612	Waipahu, HI
CAR-50678-09	WHZ-728	Brazil, IN
CAR-50679-09	WRC-25	Chanute, KS
CAR-50680-09	WRC-23	Garnett, KS
CAR-50681-09	WLY-703	Independence, KS
CAR-50682-09	WRC-24	Iola, KS
CAR-50683-09	KZW-67	Neodesha, KS
CAR-50684-09	WBL-521	Thrall, KS
CAR-50685-09	WBK-510	Saco, ME
CAR-50686-09	WAS-288	Sanford, ME
CAR-50687-09	WLY-479	Columbus, NE
CAR-50688-09	WAB-572	Wynantskill, NY
CAR-50689-09	WHZ-633	Bazetta, OH

CAR-50690-09	WAY-890	Columbus, OH
CAR-50691-09	WHZ-408	Lima, OH
CAR-50692-09	WHZ-587	Marysville, OH
CAR-50693-09	WAY-903	New Albany, OH
CAR-50694-09	WHZ-437	Ottawa, OH
CAR-50695-09	WHZ-406	Richwood, OH
CAR-50696-09	WHZ-545	Troy, OH
CAR-50697-09	WLY-471	Youngstown, OH
CAR-50698-09	WGK-594	Burlington, WI

Time Warner Entertainment-Advance/Newhouse Partnership

CAR-50699-09	WHZ-982	Clearwater, FL
CAR-50700-09	KA-80616	Clearwater, FL
CAR-50701-09	WLY-462	Deland, FL
CAR-50702-09	WHZ-784	Lakeland, FL
CAR-50703-09	WHZ-785	Lakeland, FL
CAR-50704-09	KD-55011	Orlando, FL
CAR-50705-09	WHZ-396	Palm Harbor, FL
CAR-50706-09	WGZ-487	Pinellas Park, FL
CAR-50707-09	WHZ-652	St. Petersburg, FL
CAR-50708-09	KD-55009	Tampa, FL
CAR-50709-09	WLY-330	Barada, NE
CAR-50710-09	WLY-331	Octavia, NE
CAR-50711-09	WHZ-882	Camden, NY
CAR-50712-09	WLY-554	Crown Point, NY
CAR-50713-09	WGK-590	Glens Falls, NY
CAR-50714-09	WAN-337	Lake George, NY
CAR-50715-09	KB-60127	Rochester, NY
CAR-50716-09	KD-55003	Rochester, NY
CAR-50717-09	WAF-786	Sidney, NY
CAR-50718-09	WLY-235	Atlantic, NC
CAR-50719-09	WLY-509	Beaufort, NC
CAR-50720-09	WBF-574	Burgaw, NC
CAR-50721-09	WGJ-890	Butner, NC
CAR-50722-09	WAJ-761	Fayetteville, NC
CAR-50723-09	WLY-333	Fayetteville, NC
CAR-50724-09	WLY-246	Garner, NC
CAR-50725-09	WHZ-394	Havelock, NC
CAR-50726-09	WHZ-430	Lizard Lick, NC
CAR-50727-09	WHZ-395	Morehead City, NC
CAR-50728-09	WLY-646	Pembroke, NC
CAR-50729-09	WLY-429	Raleigh, NC
CAR-50730-09	WAX-279	Red Springs, NC
CAR-50731-09	WAE-564	Supply, NC
CAR-50732-09	WHZ-774	Wilmington, NC
CAR-50733-09	WDH-701	Florence, SC
CAR-50734-09	WGV-822	Sumter, SC



CAR-50735-09	KA-80624	Austin, TX
CAR-50736-09	KD-55017	Austin, TX
CAR-50737-09	WBY-600	Austin, TX
CAR-50738-09	WAH-212	Bluegrove, TX
CAR-50739-09	WAH-213	Crafton, TX
CAR-50740-09	WLY-367	Elroy, TX
CAR-50741-09	WSV-58	Flat, TX
CAR-50742-09	WHZ-585	Grenada Hills, TX
CAR-50743-09	WHZ-339	Lukenbach, TX
CAR-50744-09	WSV-56	McGregor, TX
CAR-50745-09	WAH-228	Vashti, TX
CAR-50746-09	WCJ-907	West Lake Hills, TX
CAR-50755-09	WHZ-259	Kannapolis, NC

TWI Cable Inc.

CAR-50747-09	WGV-526	New Riegel, OH
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TWI Summit Cable, Inc.

CAR-50748-09	WHZ-548	Banning, CA
CAR-50749-09	WLY-451	Beaumont, CA
CAR-50750-09	WLY-306	Cathedral City, CA
CAR-50751-09	KD-55002	Palm Desert, CA
CAR-50752-09	WLY-449	Whitewater, CA
CAR-50753-09	WHZ-547	Whitewater, CA
CAR-50754-09	WGZ-470	Palm Desert, CA

**Private Land Mobile Radio Services (Part 90)**

Lead Call Sign

Alert Cable TV Inc.	KYK615
Alert Cable TV of Oklahoma, Inc.	KWS691
Alert Cable TV of South Carolina Inc	KFI554
America Online, Inc.	KNNW816
American Television and Communications Corporation	KXL770
Cablevision Industries, Inc.	KNGX578
Cablevision Industries Limited Partnership	KNHJ962
Cablevision Industries of Alabama, Inc.	KYD420
CAT Partnership	KRU795
Century Venture Corporation	KZE460
Community CATV Corp.	WRJ952
Dorchester Cablevision Inc.	WSK244
Erie Telecommunications, Inc.	KNCA620
Fairclark Cable TV, Inc	KQI872
Florida Cablevision Management Corp.	KYY472
Home Box Office	KB51583

HBO Studio Productions	WPLP425
Kansas City Cable Partners	WRU681
KBL Multnomah Cablesystems, LP.	KVZ416
KBL Portland Cablesystems, LP	WYJ623
Massachusetts Cablevision Industries Inc	WNZV590
Massachusetts Cablevision Systems, LP	KYC473
Paragon Communications	KBE579
Texas Cable Partners, LP	KYK905
Time Warner Cable of Avalon, LP	WPMF361
Time Warner Entertainment Company, LP	KEA342
Time Warner Entertainment-Advance/Newhouse Partnership	KFM714
Time Warner Inc.	KNAX816
Turner Broadcasting System, Inc	WNXV224
TWFanch-one Co.	WPFZ212
TWFanch-two Co.	WPJZ742
TWI Cable Inc	KNHA621
TWI Summit Cable, Inc	WNDP983
Warner Bros.	WPLD733
West Valley Cablevision Industries, Inc	WNSH254

### **Fixed Microwave Services (Part 101)**

#### Private Operational Fixed Point-to-Point Microwave

CNN America, Inc.	0000084755	<u>Lead Call Sign</u>
Superstation, Inc.	0000084751	WNES530
Texas Cable Partners, L.P.	0000084765	WNEL539
Time Warner Entertainment-Advance/Newhouse Partnership	0000084762	WNEW367
		WNER856

#### Common Carrier Fixed Point to Point Microwave

American Television and Communications Corp.	0000084776	<u>Lead Call Sign</u>
Texas Cable Partners, L.P.	0000084753	KAY61
		KLH77

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