

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D. C. 20268-0001

COMPLAINT OF TIME WARNER INC. ET AL.
CONCERNING PERIODICALS RATES

Docket No. C2004-1

OBJECTION OF TIME WARNER INC. ET AL.
TO INTERROGATORY ABM/TW ET AL.-T2-35 TO WITNESS STRALBERG
(June 14, 2004)

Pursuant to section 26(c) of the rules of practice, Time Warner Inc., Condé Nast Publications, a Division of Advance Magazine Publishers Inc., Newsweek, Inc., The Reader's Digest Association, Inc., and TV Guide Magazine Group, Inc. (collectively, "Time Warner Inc. et al." or "Complainants") hereby object to interrogatory ABM/TW et al.-T2-35 to witness Stralberg, filed June 4, 2004, on the grounds that providing an answer to the interrogatory would impose a burden out of all reasonable proportion to the question's flimsy relevance to the issues before the Commission.

The interrogatory states the following question:

"ABM/TW et al.-T2-35. How would the publications listed in ABM/TW et al.-T2-34 modify their mailing practices if they were required to be mailed at Standard rates?"

Periodicals mailings are configured in ways that make sense only for Periodicals subclass rates and regulations. None of the titles mentioned would under any conceivable circumstances simply migrate to another subclass. If required to mail outside the Periodicals subclass, some copies would migrate to Standard A Regular, some to Standard A Enhanced Carrier Route, some very possibly to Bound Printed Matter. This would mean that their entry points would

change also, which in turn would require the Complainants, under the hypothetical posed, to renegotiate virtually all of their transportation contracts. Nor would the physical configuration of the pieces mailed be unchanged. For example, Standard A contains a much greater rate advantage for light-weight over heavy-weight flats than does Periodicals, whereas Bound Printed Matter is much more favorable to heavyweight pieces. If Periodicals main files ever had to be reconfigured with reference to the rates, the presort, eligibility, and other requirements, and the relative roles of weight, shape, distance and so on, of other existing subclasses, it is difficult to know where one would begin.

It is not clear, therefore, that it is even possible to provide a meaningful answer to this question. It is clear, however, that a meaningful answer could be provided, if at all, only after a substantial investment of time creating original software and detailed computer analysis. Software capable of running the files for the named publications as Standard Mail does not currently exist in the fulfillment systems of the Complainants. To respond to the question, they would have to design and create new software similar in its complexity to the software they currently use to configure their Periodicals mailings, which it has taken them years to develop. Additionally, the testing and adjusting of the software, and the final runs for the Complainants' periodicals, would require substantial amounts of CPU time that could not be provided by the Complainants without adding additional staffing and disrupting existing production schedules.

Against this burden must be weighed the small or nonexistent relevance of the question to the issues before the Commission in this proceeding. It is difficult to imagine circumstances under which it would be justifiable to impose on a party such an onerous burden of generating new and original methodology and analysis for the benefit of another party. Where the object in view appears to be little more than

making a rhetorical point, it hardly needs saying that such circumstances do not exist.

Respectfully submitted,

s/_____
John M. Burzio
Timothy L. Keegan

COUNSEL FOR
TIME WARNER INC.

Burzio & McLaughlin
Canal Square, Suite 540
1054 31st Street, N. W.
Washington, D. C. 20007-4403
Telephone: (202) 965-4555
Fax: (202) 965-4432
E-mail: burziomclaughlin@covad.net