

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 THE UNITED STATES POSTAL SERVICE TO TIME WARNER INC.  
ET AL. INTERROGATORY 12 TO WITNESS TANG (TW ET AL./USPS-RT2-12)  
(September 24, 2004)

The Postal Service hereby objects to complainants' interrogatory 12 to Postal Service witness Tang, filed on September 14. Although the Postal Service believes that it would be unduly burdensome to attempt to respond to the request as filed, after discussing the matter with complainants' counsel, the Postal Service may be able to seek alternative sources of the information of interest, and will provide that if feasible means can be found to extract reliable data.

The interrogatory in question reads as follows:

- TW et al./USPS-RT2-12.** Please provide an estimate of the number of Periodicals, corresponding to your current estimate of 29,979, for each year from 1970 forward (or as far back toward 1970 as data are available).
- b. For each year for which such an estimate is available, please provide a breakdown of the total number by subclass, by subscriber versus requester status (controlled circulation), and by publication frequency (daily, weekly, etc.).
  - c. Additionally, please provide similarly disaggregated estimates, for each year for which data are available, of the number of new Periodicals permits granted in that particular year and, to the extent available, of the number of Periodicals that ceased to exist in that year.

As noted in the testimony of witness Tang, the data in question come from the PERMIT system. As it turns out, as will be discussed in some detail in response to complainants'

interrogatory 9 to witness Tang, PERMIT is not an appropriate data base from which a valid measure of the total number of Periodicals can be derived. Moreover, PERMIT only goes back ten or so years. Apparent trends during the early part of that period could have more to do with the gradual expansion of the PERMIT system than with changes in the underlying number of Periodicals.

Thus, attempting to do what this interrogatory requests – replicating the analysis which generated the FY03 figure of 29,979 for each year going back to 1970 -- would be impossible and, moreover, would be unduly burdensome even for those more recent years for which PERMIT data are available. (A quick estimate was 15-20 workhours and one calendar week for each year for which the analysis was repeated, although concurrent operations could allow some curtailment of that estimate for multiyear periods.) More to the point, as will also be evident from the discussion that will be filed in response to question 9 next week, such an exercise would not generate a reliable series of the annual number of Periodical publications, which is what counsel for the complainants has indicated is the true topic of interest in this question.

While the Postal Service thus is filing this objection to preserve its position, it is endeavoring to use other means to seek to identify information regarding the total number of Periodicals going back in time. Recent personnel changes have rendered it difficult even to determine what data can be extracted from those systems. The Postal Service will be consulting with counsel for the complainants to keep him informed of the status of these efforts. Inquiry may relatively quickly reveal that the desired information simply is not available in any meaningful fashion, in which case a response to that effect could be filed next week. Alternatively, it might take a week or two to extract what is

available.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking

/s/ \_\_\_\_\_  
Eric P. Koetting

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
(202) 268-2992; Fax -6187  
September 24, 2004

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

/s/ \_\_\_\_\_  
Eric P. Koetting

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
(202) 268-2992; Fax -6187  
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