

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 2 TO WITNESS MILLER (TW ET AL./USPS-RT1-2)  
(September 24, 2004)

The Postal Service hereby objects to complainants' interrogatory 2 to Postal Service witness Miller, filed on September 14. Without waiving this objection, however, and after discussing the matter with complainants' counsel, the Postal Service will be providing certain available information in response to the request.

The interrogatory in question reads as follows:

TW et al./USPS-RT1-2. For each MODS operation for which volume and workhour data are recorded under the MODS system, please provide, in Excel spreadsheet form, the total number of FHP, TPH and workhours for FY2003. If available, please provide similar information for FY2004, or alternatively any available year-to-date FY2004 information.

The Postal Service disputes the relevancy and materiality of the requested information on several grounds. First of all, the Commission has already determined that, regardless of its views on the merits of the complaint, it will not be recommending any changes in rates in this proceeding. This determination guarantees that the focus of discussion will be conceptual rather than quantitative. Even cursory review of the testimony submitted on September 9<sup>th</sup> reveals that the issues in contention do not turn on potential changes in MODS volumes and hours over the last several years. The Postal Service perceives no meaningful application of the requested data to matters

truly at issue in this proceeding. Obviously, however, parties would like to have such information in anticipation of the next general rate case, and the Postal Service believes that it would be highly improper to allow discovery in this case to be used merely as a springboard for parties to get a head start on future litigation.

To the extent that quantitative information is useful to put conceptual issues in a more concrete context, the information relied upon by witness Stralberg from the last rate case should be sufficient to achieve that objective. Even if updates were needed, comprehensive updates of that information are not available. There is no material value in attempting to do selective updating. The Postal Service is particularly concerned about efforts to seek partial year information, because starting down that road could easily lead to situations in which litigation sinks into a morass of continual updating and ever-shifting targets.

The scope of the request as filed also exceeds the bounds of relevance. This proceeding relates exclusively to Periodicals. Many MODS operations handle either no Periodicals, or only a trivial amount. When the Postal Service expressed this concern to counsel for complainants, he informally agreed to limit the scope to flats operations or those otherwise likely to handle a material amount of Periodicals volume. On the basis of that limitation, without waiving its objection, the Postal Service agreed to provide FY03 MODS data comparable to what was used in the flats cost models in the last case. Since no similar information for FY04 is yet available, the Postal Service will

respond to the FY04 portion of the request by indicating unavailability of the requested MODS information for FY04.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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/s/  
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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/  
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