

PRESIDING OFFICER'S
RULING NO. C2004-1/23

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Complaint of Time Warner Inc. et al.
Concerning Periodicals Rates

Docket No. C2004-1

PRESIDING OFFICER'S RULING ADDRESSING RESPONSE
OF TIME WARNER INC. ET AL. TO NOTICE OF INQUIRY NO. 1
AND CONTEMPORANEOUS MOTION

(Issued December 10, 2004)

Time Warner Inc. et al.¹ (Complainants) have submitted Halstein Stralberg's analysis of, and commentary on, data submitted by the Postal Service and the National Newspaper Association in response to Notice of Inquiry No. 1 Concerning Periodicals Data, (NOI No. 1) along with a contemporaneous motion seeking leave to file the analysis.² They note that the analysis was prepared based on the Commission's stated interest, in NOI No.1, in information regarding the characteristics of low-circulation Periodicals publications. Motion at 1. Complainants also indicate their willingness to provide an appropriate attestation from witness Stralberg to facilitate inclusion of this material in the record and to provide Mr. Stralberg's responses to questions regarding his analysis from the Commission or any participant.

Given that the Response is within the purview of NOI No. 1's request for information, the Motion is granted. On a related question, my preliminary assessment is

¹ Consisting of 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.

² Response of Time Warner Inc. et al. to Notice of Inquiry No. 1, December 8, 2004 (Response); Motion of Time Warner Inc. et al. for Leave to File Response to Notice of Inquiry No. 1, December 8, 2004 (Motion).

that it would be appropriate to enter the new Stralberg material into the record, as well as all responses to NOI No. 1. Any participant opposing such treatment shall file a statement setting out the reasons for such opposition by December 14, 2004.

Presiding Officer's Ruling No. C2004-1/22, issued December 9, 2004, gives participants until December 14, 2004 to indicate whether they intend to direct any questions to witness Stralberg concerning his new analysis. Rulings on deadlines for filing questions, answers and attestations, if needed, will be made following an evaluation of pertinent December 14, 2004 submissions.

RULING

1. The Motion of Time Warner Inc. et al. for Leave to File Response to Notice of Inquiry No. 1, filed December 8, 2004, is granted.
2. Statements in opposition to the inclusion of the Stralberg analysis and commentary referred to in the body of this ruling shall be filed by December 14, 2004.

George Omas
Presiding Officer