

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

Postal Rate and Fee Changes

Docket No. R2006-1

PRESIDING OFFICER'S RULING ON
PLEADINGS ON PERIODICALS-RELATED
DESIGNATIONS FROM OTHER CASES

(Issued October 6, 2006)

I. INTRODUCTION

At issue is the designation, pursuant to Commission rule 31(e), of certain Periodicals-related evidence into the evidentiary record of this proceeding.¹ Time Warner Inc. filed the initial pleading under consideration, consisting of proposed designations of testimony and interrogatory responses from Dockets No. C2004-1, R2001-1 and R2005-1.² Time Warner's stated interest in invoking rule 31(e) treatment for this material is efficiency and convenience, given its sponsorship, in this case, of a variation on the alternative Periodicals rate structure proposed in Docket No. C2004-1.³ The Time Warner Motion generated numerous related pleadings, including oppositions, counter-designations and responsive pleadings from Time Warner.⁴

¹ Commission rule 31(e) allows participants to propose such designations on the premise that this approach fosters convenience, expedition and efficiency. Guidelines generally favor designation of factual material over opinion evidence, foreclose stale evidence, preclude relitigating settled issues, and discourage designation of library references and testimony in the entirety.

² Motion of Time Warner Inc. to Designate Evidence from Other Commission Dockets, August 9, 2006 (Time Warner Motion).

³ Time Warner's co-complainants in Docket No. C2004-1 were Condè Nast, Newsweek, Inc., Readers Digest Association, and TV Guide.

⁴ See Opposition of United States Postal Service to Motion of Time Warner Inc. to Designate Evidence from Other Commission Dockets and Request for Counter-Designations, August 23, 2006 (Postal Service Combined Pleading); Notice of the United States Postal Service of a Partial Withdrawal of

Scope of material in issue. The universe of material under consideration has been narrowed considerably through participants' efforts to reach agreement on contested designations. This initiative is appreciated. As a result of these efforts, the Postal Service, after filing a formal opposition to Time Warner's proposed designations in their entirety, has withdrawn its opposition to all but two interrogatory responses on FSM 1000 capacity and operations. Time Warner, in turn, has withdrawn these proposed designations.⁵ It notes that it sought to cite these responses as examples of previous operations, and is aware that updated information is in the record. It believes that the Service's position that these responses may be cited as historical context relevant to a participant's position in this case, without giving them status as evidence, is well taken. Time Warner Combined Pleading on Postal Service Issues at 2. Accordingly, Time Warner's withdrawal of these two proposed designations is accepted, and the referenced interrogatory responses will not be admitted into the evidentiary record of this proceeding. They may be cited for historical context.

Its Opposition to Motion of Time Warner Inc. to Designate Evidence from Other Commission Dockets, August 29, 2006 (Postal Service Notice); Motion of American Business Media for Additional Time in Which to Answer Motion of Time Warner, Inc. to Designate Evidence from Prior Dockets, August 14, 2006 (ABM Motion for Additional Time); Motion of American Business Media for Counter-Designations of Evidence from Prior Docket, August 23, 2006 (ABM Counter-Designation Motion); Response of American Business Media to Opposition of Time Warner to Counter-Designations of Evidence from Prior Docket, September 1, 2006 (ABM Response to Time Warner Opposition); Motion of The McGraw-Hill Companies, Inc. to Counter-Designate Evidence from a Prior Commission Docket, August 23, 2006 (McGraw-Hill Motion); Reply of The McGraw-Hill Companies, Inc. to Partial Objection of Time Warner Inc. to Motions of American Business Media and McGraw-Hill to Counter-Designate Evidence from Prior Docket, September 5, 2006 (McGraw-Hill Reply); Partial Withdrawal of Time Warner Inc. Motion to Designate Evidence from Other Commission Dockets and Reply to Opposition and Notice of the United States Postal Service, August 30, 2006 (Time Warner Combined Pleading on Postal Service Issues); Partial Opposition of Time Warner Inc. to Motions of American Business Media and McGraw-Hill to Counter-Designate Evidence from Prior Docket, August 30, 2006 (Time Warner Partial Opposition); and Motion of The McGraw-Hill Companies, Inc. for Leave to File Reply to Partial Opposition of Time Warner Inc. to Motions of American Business Media and McGraw-Hill to Counter-Designate Evidence from Prior Docket, September 9, 2006.

⁵ The two interrogatories the Service continued to oppose designation of (and which Time Warner has agreed to withdraw from its proposed set of interrogatories) are: Responses of Postal Service witness McCrery to TW/USPS-T29-1 in Docket No. R2005-1 (concerning flats prepping) and Responses of Postal Service witness Kingsley to AOL-TW/USPS-T39-16(a) and (b) in Docket No. R2001-1 (FSM capacity and operations).

In addition, ABM states that it will not contest Time Warner's opposition to 15 of ABM's counter-designations and its opposition to a portion of another, despite its belief that Time Warner's position is unsupported by rule or precedent. ABM Response to Time Warner Opposition at 6. Based on this representation, the 15 ABM counter-designations will not be entered into the evidentiary record of this case. The one partial designation identified in the ABM Response to Time Warner Opposition is disposed of within the body of this ruling. ABM continues to seek admission of its other proposed counter-designations into the evidentiary record of this proceeding. *Id.* Attachment C-1 itemizes all ABM designations.

Finally, Time Warner does not object to some McGraw-Hill counter-designations, but does object to others. Those not objected to will be admitted into the evidentiary record of this proceeding; the disposition of the contested counter-designations is addressed below.

II. BASIS FOR INDIVIDUAL RULINGS ON REMAINING PROPOSALS

Resolution of the status of the remaining proposed designations turns on a clear understanding of rule 31(e)'s fundamental purpose, strengths and limitations. The rule's purpose, in a nutshell, is to provide a convenient and efficient mechanism for entering relevant and accurate material from another docket into the record of a pending proceeding, when there is a clear nexus between the proposed designation and a major issue in the pending case. The Service's position that incorrect, invalid and/or outdated information from previous dockets should not be given status as evidence in a pending case is entirely consistent with this purpose.⁶

The expectation is that this approach will avoid duplication of effort, precluding the need for steps such as additional cross-examination and formal hearings. However, not all relevant material is equally suited for designation. Thus, admission of proposed designations from a different proceeding is not a matter of right, but must be

⁶ Postal Service Notice at 1-2.

affirmatively sought via a motion explaining the rationale for including the designated material in the current evidentiary record. And, even if some benefits might accrue, there may be countervailing considerations that warrant exclusion of the proposed designations. These generally pertain to factors that seriously diminish the evidentiary value of proposed designations, and are as basic as the effect of the passage of time on the material's continued validity and probity, and as significant as a substantive revision in a proposal or position, a material change in underlying costing methods or operations, the extent and nature of internal references, and changed business circumstances. In addition, the need to devote resources to evaluating designations, transcripts from other records, and any related pleadings may unduly complicate the process, and far outweigh the practical benefits presumed to be associated with rule 31(e).

These considerations have led to the development and application of several guidelines over the course of successive cases and use of a balancing test. They include, among others, a preference for factual evidence over opinion, a prohibition on relitigating settled issues, a disinclination toward allowing designation of evidence more than one case removed, and rejection of stale evidence, regardless of how recent the docket. In short, if the intended benefits of rule 31(e) are to be achieved, there should be a clear nexus between the proposed designation and a major issue in the pending proceeding, a relatively narrow focus, and use of a surgical approach in identifying candidate material, not a shovel.

Finally, in many instances, the testimony at issue addresses the impact of specific proposals no longer before the Commission. Participants have the opportunity to challenge both the underlying philosophy and specific impacts of the rate proposals of other participants through rebuttal testimony. It is far more appropriate, and helpful to the Commission, to have testimony focused on proposals actually at issue. If the same considerations are applicable in the new circumstances, these points should be made in rebuttal testimony.

III. DISPOSITION OF TIME WARNER'S PROPOSED DESIGNATIONS (AS AMENDED BY A PARTIAL WITHDRAWAL)

Docket No. C2004-1. Given the accord Time Warner and the Postal Service have reached, the set of proposed Time Warner designations still under consideration includes the material itemized in the body of Attachment A. In brief, this includes, from the Docket No. C2004-1 record, about 20 pages of witness Mitchell's testimony and seven pages of witness Stralberg's testimony.⁷ Time Warner Partial Opposition at 1-2.

Time Warner maintains that entry of the specified segments of the earlier testimony into the record of this docket via designation, rather than having the witnesses restate the same analysis in new testimony, would substantially contribute to the efficiency of these proceedings and to the convenience of the Commission, with no diminution in the opportunity for a full and fair hearing thereon. Time Warner Motion at 3. It cites the following features and advantages:

- the testimony's recent vintage (filed just over two years ago) and the absence of any litigation of the issues in the interim;
- the witnesses' presentation of direct testimony in behalf of Time Warner in the instant docket, and their availability to respond to written and oral cross-examination on the designated portions of their prior testimony;
- the witnesses' willingness to affirm that the validity of the designated portions of their prior testimony is unchanged by the passage of time or changed circumstances since first presented;
- Time Warner's intention to adopt the designated materials, without qualification, as part of its direct case in this docket; and
- avoidance of needlessly duplicative efforts for interested participants who, among other things, may move for counter-designation of responsive evidence from the prior docket.

Id.

⁷ The designated portions of both pieces of testimony are alternatively referred to in this ruling as "segments" for convenience and ease of reference.

Time Warner's designation of the limited portions of the referenced Mitchell and Stralberg testimonies is an appropriate exercise of rule 31(e). The material is recent, pertinent to key Periodicals issues in this case, limited in scope and purpose, and promises to eliminate the need for re-establishing the contextual framework for Time Warner's proposal in this case as well as some aspects of the Postal Service's proposal. Accordingly, the proposed material from Docket No. C2004-1, itemized in Attachment A, is hereby entered into the evidentiary record of this proceeding, subject to affirmation by witnesses Mitchell and Stralberg of the continued validity of the designated material.

Docket No. R2001-1. From the Docket No. R2001-1 evidentiary record, Time Warner's proposed designations include responses of witness Kingsley to a series of Time Warner interrogatories concerning the circumstances under which sacked and palletized bundles experience premature breakage and the steps postal employees are instructed to follow when breakage does occur. Time Warner says it intends to show in its direct case in this proceeding that more correct modeling of bundle breakage is important for proper allocation of mail processing costs among different categories of Periodicals flats. *Id.* at 2.

The list of proposed designations also includes institutional responses to a series of Time Warner interrogatories on the extent to which Periodicals flats were being transported on airplanes.⁸ Time Warner asserts that this issue is of importance in this case because of the steps the Postal Service has taken to end the incurrence of air transportation costs by Periodicals. *Id.*

By virtue of the Time Warner-Postal Service Agreement, the proposed designation of witness Kingsley's responses to AOL-TW/USPS-T39-16(a-b) were withdrawn. I find that the other proposed McCrery responses satisfy pertinent guidelines, despite being more than one omnibus rate case removed. They apparently reflect current practice and tend more toward factual statements about operations than

⁸ Identified at that time as AOL-Time Warner.

to subjective opinion. Accordingly, the proposed designations, itemized in Attachment A, are hereby entered into the evidentiary record of this proceeding.

Docket No. R2005-1. From the Docket No. R2005-1 evidentiary record, the proposed list includes witness McCrery's responses to numerous interrogatories redirected from witness Van-Ty-Smith, as well as Postal Service witness Miller's responses to all subparts of TW/USPS-T19-2-6. Time Warner asserts that the McCrery responses provide descriptions of the characteristics of various MODS-based cost pools introduced for the first time in Docket No. R2005-1, and do so in more detail than any other Postal Service testimony. It contends that the description of the flats preparation cost pool (MODS 035) is of particular importance. It states that it intends to show in its direct case that witness Miller has failed to properly model the costs in that pool in his testimony (USPS-T-20) in this case. *Id.* at 1. Time Warner further asserts that these responses represent witness Miller's acknowledgment that he did not attempt to model the flats preparation cost pool in the Docket No. R2005-1 mail flow model, even though the costs in that pool are different for different rate categories. *Id.* at 2.

By virtue of the Time Warner-Postal Service Agreement, the proposed designation of witness McCrery's response to TW/USPS-T29-1 in Docket No. R2005-1 has been withdrawn. I find that the other proposed McCrery responses satisfy pertinent guidelines. They are relatively recent in time, reflect current practice, and tend more toward fact than opinion. Accordingly, the proposed designations, itemized in Attachment A, are hereby entered into the evidentiary record of this proceeding.

IV. DISPOSITION OF PROPOSED COUNTER-DESIGNATIONS

The Postal Service, American Business Media (ABM) and The McGraw-Hill Companies (McGraw-Hill) have each proposed counter-designations. These are itemized, respectively, in Attachments B, C-1 and D-1. Time Warner does not oppose the Postal Service's proposed designations, but opposes the ABM and McGraw-Hill counter-designations in part. Time Warner Partial Opposition at 1-2.

A. Postal Service's Proposed Counter-designations

From Docket No. C2004-1, the Service proposes designating the rebuttal testimony of witnesses Miller (USPS-RT-1) and Tang (USPS-RT-2) in their entirety. Postal Service Combined Pleading at 2. It also proposes designating witness Tang's responses to a Presiding Officer's Information Request and to a Notice of Inquiry.⁹ *Id.* From Docket No. R2001-1, the Service proposes designating witness Kingsley's response to AOL-TW/USPS-T39-9. *Id.*

The Postal Service Combined Pleading does not include an explanation for its proposed counter-designations, but the purpose seems clear: it responds to the designated segments of the Docket No. C2004-1 testimony. No useful purpose would be served by asking the Service to supplement its pleading to conform to the strict letter of rule 31(e). In addition, although guidelines generally preclude designation of testimony in its entirety, the testimony the Service seeks to have admitted is narrowly focused, and parsing it is not feasible. The Commission will weigh the extent to which the Tang responses have been overtaken by changes in sacking regulations or other developments. The material from Docket No. R2001-1, although more than one case removed, apparently accurately represents current practice.

Based on these considerations and the lack of opposition to the Service's proposed set of designations from other dockets, the material itemized in Attachment B is hereby admitted into the evidentiary record of this case, subject to affirmation of its continued accuracy.

B. ABM's Proposed Counter-designations in Issue

ABM asserts that the purpose of its proposed counter-designations is to assure that the record contains not only the direct testimony of witnesses Stralberg and Mtichell, but also relevant portions of both written and oral cross-examination of these

⁹ Response of Postal Service Witness Tang to Presiding Officer's Information Request No. 2, and Response of United States Postal Service Witness Tang to Notice of Inquiry No. 1 Concerning Periodicals Data.

witnesses and of the testimony of witnesses responding to that direct testimony. ABM Counter-Designation Motion at 6. It also claims that like the Time Warner proposals, these further designations will expedite the proceeding and minimize duplication of effort. *Id.*

Three interrogatory responses countering the designated Stralberg testimony: ABM/TW et al.-T2-7 (First Interrogatory), ABM/TW et al.-T2-34 (Second Interrogatory), and ABM/TW et al.-T1-3 (redirected) (Third Interrogatory). The First Interrogatory asks witness Stralberg to confirm certain stated consequences of Time Warner's then-current proposal on small-circulation Periodicals mailers, in particular those seeking certain service objectives. The response to this question does not appear to add anything to this record, as it includes the witness's statement taking issue with the question's premise about methods for obtaining service deemed to be adequate. In addition, witness Stralberg is appearing in the pending proceeding. If ABM considers this question relevant to his testimony in this case, it may recast the question and pose it. This interrogatory response will not be admitted into the evidentiary record of this proceeding.

The Second Interrogatory seeks an estimate of the postage certain publications would pay at then-current Standard Mail rates. The extensive response, including a rate chart under several scenarios, is not appropriate for inclusion in this evidentiary record, given the reason why the designated portion of witness Stralberg's testimony is being admitted in this case and the structural changes the Postal Service has proposed in Standard Mail. This response will not be admitted into the evidentiary record of this case.¹⁰

The Third Interrogatory seeks extensive mailing-related "billing determinant"-type data and information about stated publications. Witness Stralberg's extensive response, later supplemented, was based on data that was at least a year old at the time it was submitted, on postal sacking regulations since changed in a material way,

¹⁰ Given the assumptions witness Stralberg identified and the other details he provided in the last case in response to this question, ABM may be able to perform some aspects of the exercise on its own.

and on myriad individual business practices that may have changed. The portion of the Docket No. C2004-1 Stralberg testimony admitted into the evidentiary record of this proceeding was entered for a limited, but significant and useful purpose. That purpose is not advanced by including this response in this evidentiary record. Moreover, the data and information in the response are presumptively stale, if not inaccurate in many respects at this point. This proposed designation will not be admitted into the evidentiary record of this proceeding.

Mitchell interrogatory: MH/TW et al.-TW-1-21. The premise of this interrogatory relies on a feature of the former rate proposal that is not an element of Time Warner's current proposal. It will not be admitted into the record.

Bradfield segments. A contested aspect¹¹ in the First Segment urges the Commission to reject a major overhaul of the Periodicals rate structure. This clearly refers to the former proposal, and will not be admitted into this record. Another small segment¹² presents the witness's opinion on some aspects of Time Warner's former proposal, and for this reason could be excluded from the record. However, given that the few lines devoted to this issue are mixed with seemingly unobjectionable statements, such as “[w]e agree that rates should to some degree reflect costs ...[,]” this is unnecessary. This segment will be included in the evidentiary record of this proceeding, and the Commission will give it appropriate weight. Time Warner's opposition to a portion of the Third Segment is supported, given the reference to the impact of the former proposal.¹³

*Cavnar segments: First Segment — interrogatory response, and Fourth (Partial) Segment — excerpt from prepared testimony.*¹⁴ The First Segment provides witness

¹¹ Tr. 6/1687, line 9 *through* line 13 in First Segment at Tr. 6/1686 *through* Tr. 6/1688, line 10.

¹² The contested portion consisting of material appearing at Tr. 6/1691, line 22 *through* Tr. 6/1692, line 5 in Second Segment (Tr. 6/1691, line 22 *through* Tr. 6/1695, line 14).

¹³ Contested Tr. 6/1701, line 7 *through* 10 in the Third Segment, Tr. 6/1697, line 4 *through* Tr. 6/1701, line 10.

¹⁴ Tr. 6/1714 and Tr. 6/1715 (First Segment — Response to TW et. al./ABM-T1-8) and Tr. 6/1739, line 9 *through* Tr. 6/1741, line 18.

Cavnar’s response to a request for documentation, such as spreadsheets, supporting his statement that many Periodicals mailers would see their rates increase above Standard Mail rates under the proposal, creating a seeming “ECSI penalty.” The response does not provide a spreadsheet, but a general assessment based on the witness’s experience in the industry.

Given that the Time Warner proposal in this case differs from the proposal in the last case and that the Standard Mail rate structure proposed in this case differs substantially from the one the witness was referring to in his testimony, this response is not appropriate for inclusion in the record of this case.

This does not foreclose ABM from pursuing the rate crossover issue between Periodicals proposals in this case and Standard Mail rates if it considers this relevant and material.

The contested portion¹⁵ of the Fourth Segment deals mainly with witness Cavnar’s perspective on the view of the Docket No. C2004-1 Complainants, ABM, Congress and the Commission on the role and relevance of educational, cultural, scientific and informational (ECSI) value. It includes the witness’s suggestion that there might be an “ECSI penalty” under the Complainants’ proposal. The clear impetus for the points raised here is the Complainants’ revised approach to recognition of editorial content in Docket No. C2004-1. Time Warner has not revived certain aspects of the Complainants’ former proposal, including aspects of the recognition of editorial content, so this material is not relevant and its inclusion will not advance consideration of the issues in this case. Accordingly, this segment is not an appropriate counter-designation.

The contested portion of the Fifth Segment¹⁶ consists of several sentences concerning the former proposal. This portion is not admitted into the record. ABM may address the impact of Time Warner’s current proposal in this case.

¹⁵ Tr. 6/1739, line 9 *through* Tr. 6/1741, line 18 appearing in the Fourth Segment (Tr. 6/1739, line 9 *through* Tr. 6/1742, line 16).

¹⁶ Tr. 6/1745, line 13 *through* 17 in Fifth Segment Tr. 6/1743, line 3 *through* Tr. 6/1746, line 5.

McGarvy segments: First Segment – interrogatory response and Second (Partial) Segment — excerpt from testimony. The First Segment is an interrogatory response in which witness McGarvy confirms that she has not identified by name (or otherwise) any mailer who “would not be able to avoid large, crippling increases” under the rates proposed in Docket No. C2004-1 and states why this is the case.¹⁷ Some additional perspective on the former proposal is also provided.

This material, in pertinent part, is clearly devoted to a discussion of the impact of the Time Warner et al. proposal in Docket No. C2004-1. The few portions that are unobjectionable would add little to this record; therefore, the response in its entirety is not admitted into the record.

Second Segment — ABM’s continued interest in admission of portion of testimony opposed by Time Warner. ABM does not contest Time Warner’s opposition to this segment, except for Tr. 6/1780, line 7 *through* Tr. 6/1783, line 2.¹⁸ The portion of the Second Segment that Time Warner opposes and ABM does not contest is excluded from the record. The contested portion of this segment of witness McGarvy’s testimony primarily addresses an aspect of Crain’s printing and distribution practices. The first sentence is not appropriate for inclusion on this record as evidence because it presents a conclusion about the effect of the former proposal on small publishers, but the remainder is unobjectionable. Accordingly, this segment, minus the first sentence, will be admitted into the evidentiary record of this proceeding. This disposition assumes that all information about Crain, including the number of publications it publishes, is still valid.

C. McGraw-Hill’s Proposed Counter-designations

McGraw-Hill proposes designation of extensive specified segments of witness Schaefer’s testimony from Docket No. C2004-1 on grounds that this material is

¹⁷ Tr. 6/1766-67 (First Segment – consisting of response to TW et al./ABM-T3-12).

¹⁸ Admission of the portion of McGarvy’s testimony identified as Second Segment (Tr. 6/1780, line 7 *through* Tr. 6/1783, line 2) was opposed by Time Warner. ABM did not contest Time Warner’s opposition, except to Tr. 6/1782, line 3-12.

responsive to Time Warner's proposed designation of testimony by witnesses Mitchell and Stralberg in that case. McGraw-Hill Motion at 1. The specified segments are identified in Attachment D-1.¹⁹

Time Warner opposes these designations in part, contending in general that they amount to counter-designation of "most of the testimony of its [McGraw-Hill's] one witness in that docket." Time Warner Partial Opposition at 2. In particular, it asserts that substantial portions of McGraw-Hill's proposed counter-designations are unobjectionable, but that other substantial portions do not rebut anything in the testimony Time Warner has moved to designate and have little or no relevance to the designated testimony or to the issues Time Warner's direct testimony will address in the ongoing rate case. *Id.* Time Warner therefore opposes as improper rebuttal and as lacking in relevance McGraw-Hill's request to counter-designate the following portions of the material identified in Attachment D-1 as the proposed Second Segment of witness Schaefer's direct testimony (MH-T-1) in Docket No. C2004-1:

Tr. 6/1923, line 8 *through* Tr. 6/1925, line 15 (corresponding to MH-T-1 page 5, line 8 *through* page 7, line 15 (through "rate increases.") — referred to in this discussion as Part A of this segment;

Tr. 6/1927, line 2 beginning with "The rate" *through* line 6 (corresponding to MH-T-1 page 9, line 2 (assumed to begin with "The rate" *through* line 6) — referred to as Part B;

Tr. 6/1929, line 9²⁰ *through* line 14 (through "to address.") (corresponding to MH-T-1 page 11, line 9 *through* line 14 (through "to address.") — referred to as Part C;

Tr. 6/1934, line 24 beginning with "When the cost" *through* Tr. 6/1939, line 10 (corresponding to MH-T-1 page 16 (beginning with "When the cost") *through* page 21, line 10 — referred to as Part D;

Tr. 6/1942, line 5 *through* Tr. 6/1943, line 16 (corresponding to MH-T-1 page 24 line 5 *through* page 25, line 16 — referred to as Part E.

¹⁹ For clarity and ease of reference, transcript citations corresponding to the prepared direct testimony are presented in the Attachment; the material at issue is identified as discrete segments; and, where applicable, portions of discrete segments opposed by Time Warner have been identified as parts.

²⁰ Presumed to be line 9, not 8.

Time Warner also opposes the following portion of the material identified as McGraw-Hill's Third Segment: MH-T-1 page 27, line 23 *through* page 29, line 9 (corresponding to Tr. 6/1945, line 23 *through* Tr. 6/1947, line 9).

Time Warner generally maintains that this material addresses the impact of the specific rate schedule proposed in Docket No. C2004-1 on various publications, does not address the portions of the testimony that Time Warner has moved to designate, and has "at most" a remote and tangential relevance to the substantially different rate proposal that Time Warner advocates in its direct case in this docket. *Id.* at 3.

McGraw-Hill contends that Time Warner is mistaken in its contention that the proposed Schaefer designation is not relevant to the Mitchell-Stralberg designations. McGraw-Hill Reply at 1. It addresses each aspect of the Schaefer testimony that Time Warner seeks to have excluded from the record.

Admission of the proposed McGraw-Hill counter-designations into the evidentiary record of this proceeding raises several concerns. First, while not dispositive on the question of admission is the changes in the Time Warner proposal in this case relative to the Docket No. C2004-1 proposal. Second, this testimony is on a different footing than the Postal Service testimony on operating practices that has been accepted for entry into the record of this proceeding. Third, the referenced sacking changes that have been implemented since Schaefer's testimony was filed may affect some of the conclusions witness Schaefer reached with respect to impact on certain publications. Fourth, given the presentation of the testimony, deleting some portions is difficult to accomplish without impeding readability. These considerations have influenced my decisions on these proposals.

*Second Segment — Part A.*²¹ McGraw-Hill maintains that this segment (along with the material in its proposed Third Segment) explains why McGraw-Hill believes that the Commission should consider carefully the impact on smaller-circulation publications of any substantial de-averaging of Periodicals costs and rates, whether or not of the

²¹ Tr. 6/1923, line 8 *through* Tr. 6/1925, line 4 and Tr. 6/1945, line 23 *through* Tr. 6/1947, line 9. The designation "Part" has been supplied for ease of reference.

type proposed in Docket No. C2004-1. McGraw-Hill Reply at 2. It contends that the testimony shows the diversity of the many McGraw-Hill publications, in terms of size of subscriber and otherwise, that in many ways mirrors the diversity of the Periodicals class as a whole. *Id.* It also says it explains why McGraw-Hill has opposed cost and rate de-averaging that did not take appropriate account of the adverse impact on smaller-circulation publications, despite the fact that de-averaging would yield net overall savings to the company. *Id.* McGraw-Hill specifically asserts that the proposed designation, including its impact testimony, is responsive to designated portions of Mitchell's testimony advocating better alignment of rates with costs and asserting that the proposed rates would give mailers more appropriate signals. *Id.* at 3.

Review of Part A of the Second Segment indicates that the first four paragraphs (starting with Tr. 6/1923, line 8) deal specifically with an impact analysis using Time Warner's former proposal and refer to 2004 budgets. One of the publications mentioned (Platt's Energy Business and Technology) had ceased operation prior to the filing of Schaefer's testimony in Docket No. C2004-1 (a fact acknowledged therein). This material appears to have little continued probative value. However, I will allow the material at Tr. 6/1924, line 15 *through* Tr. 6/1925, line 4 to be admitted for the general purpose of showing McGraw-Hill's interest in the impact of the de-averaging proposal on small-circulation publications.

*Second Segment — Parts B and C.*²² These portions of witness Schaefer's testimony appear in a section addressing the impact of the former proposal, so Time Warner's opposition is understandable. However, given the lack of opposition to the remainder of the material in this section, excising these relatively small segments might be unnecessarily distracting. Therefore, the material can remain as part of the designation, in the interest of readability. McGraw-Hill correctly notes that the Commission is capable of placing this material in appropriate context.²³

²² Tr. 6/1927, line 2 *through* 6 and Tr. 6/1929, lines 8 *through* 14.

²³ *Id.* at 7.

*Second Segment — Part D.*²⁴ McGraw-Hill contends that one aspect of Part D of this segment (*Tr. 6/1934, line 24 through Tr. 6/1937, line 10*) is testimony demonstrating, among other things, that to the extent co-mailing or co-palletization may be a feasible option for some publications, it should be considered as part of the potential impact of proposed rate increases. It also says this material points out that witness Mitchell had overlooked such costs, and that this undermines the theme in his designated testimony that de-averaging postal costs and rates would broadly improve the lot of publishers, including smaller-circulation publications. *Id.* at 7. McGraw-Hill contends that witness Schaefer's analysis is not rendered irrelevant by the fact that Time Warner may propose rates in this proceeding that differ from those proposed in Docket No. C2004-1.

The Time Warner rate proposal in this case had not been filed when McGraw-Hill filed its initial counter-designation. At this point, all interested parties are aware that it has been, and that there are differences in that proposal, along with changes in sacking regulations, that render the Schaefer analysis of significantly less probative value than it might otherwise be. Accordingly, *Tr. 6/1934, line 24 beginning with "When the cost" through Tr. 6/1939, line 10* is not admitted into this record.

*Part E.*²⁵ This aspect of witness Schaefer's testimony (addressing mailers' ability to deal with a complex rate structure) is not wholly objectionable, on the assumption that all representations, such as those regarding state of software tools, remain accurate. Accordingly, this segment of witness Schaefer's Docket No. C2004-1 testimony is entered into the evidentiary record on these terms. The Commission is capable of taking into consideration the differences between the current and former proposals in terms of the complexity that might be considered to add to the rate schedule.

Third Segment. McGraw-Hill raises the same defense of this portion of its proposed designation as it did for Part A of the Second Segment. Material beginning at *Tr. 6/1945, line 23 through Tr. 6/1946, line 5* directly addresses impact of the former

²⁴ *Tr. 6/1934, line 24 (beginning with "When the cost") through Tr. 6/1939, line 10.*

²⁵ *Tr. 6/1942, line 5 through Tr. 6/1943, line 16.*

proposal, and is not admissible on those grounds. I will allow testimony beginning at Tr. 6/1946, line 6 *through* Tr. 6/1947, line 9 to be admitted into the record for its general perspective on McGraw-Hill's corporate philosophy. McGraw-Hill's representation regarding witness Schaefer's change in employment changes the sense of Tr. 6/1946, line 17 (beginning with "In my role") through line 20, but the Commission is able to weigh this in its determinations. Again, the overall decision with respect to this segment assumes certain highly specific information such as Business Week's mailing practices and per-copy, remain as stated. The remainder of this segment (Tr. 6/1947, line 10 *through* Tr. 6/1948, line 11) is not admitted into this record.

Time Warner does not express opposition to the Fourth Segment (corresponding to page 34, line 15 *through* page 35, line 8 and Tr. 6/1952, line 15 *through* Tr.6/1953, line 8) or to the Fifth Segment (cover, table of contents, exhibits and declaration appearing at various pages in Transcript 6).

The Fourth Segment will be admitted into this record. Introduction of the cover page and declaration are unobjectionable, although not essential. They will be allowed into the current record. Similar treatment for the table of contents page is not appropriate, as some portions of the testimony are not being admitted. Leaving these pages in, unrevised, could prove misleading, and the topics of the portions of the testimony that are being introduced can be readily identified without this aid. The introduction of exhibits (attachments to MH-T-1) has not been objected to. They will be entered into the record.

RULING

1. The Partial Withdrawal of Time Warner Inc. Motion to Designate Evidence from Other Commission Dockets, as set forth in the combined pleading captioned "Partial Withdrawal of Time Warner Inc. Motion to Designate Evidence from Other Commission Dockets and Reply to Opposition and Notice of the United States Postal Service," filed August 30, 2006, is accepted.

2. The Partial Withdrawal of the Postal Service's Opposition to Motion of Time Warner Inc. to Designate Evidence from Other Commission Dockets, as set forth in the pleading captioned "Notice of the United States Postal Service of a Partial Withdrawal of its Opposition to Motion of Time Warner Inc. to Designate Evidence from Other Commission Dockets," filed August 29, 2006, is accepted.
3. The Opposition of United States Postal Service to Motion of Time Warner Inc. to Designate Evidence from Other Commission Dockets, as set forth in the Postal Service Combined Pleading as Opposition of United States Postal Service to Motion of Time Warner Inc. to Designate Evidence from Other Commission Dockets and Request for Counter-Designations, filed August 23, 2006, is deemed moot.
4. The Motion of the McGraw-Hill Companies, Inc. for Leave to File Reply to Partial Opposition of Time Warner Inc. to Motions of American Business Media and McGraw-Hill to Counter-Designate Evidence from Prior Docket, filed September 9, 2006, is granted.
5. The Motion of American Business Media for Additional Time in which to Answer Motion of Time Warner, Inc. to Designate Evidence from Prior Dockets, filed August 14, 2006, is granted.
6. The Motion of Time Warner Inc. to Designate Evidence from Other Commission Dockets, filed August 9, 2006, as revised by its partial withdrawal of the two interrogatories identified in Partial Withdrawal of Time Warner Inc. Motion to Designate Evidence from Other Commission Dockets and Reply to Opposition and Notice of the United States Postal Service, filed August 30, 2006, is granted.

7. The Request of the United States Postal Service for Counter-Designations, as set forth in the Postal Service Combined Pleading captioned “Opposition of United States Postal Service to Motion of Time Warner Inc. to Designate Evidence from Other Commission Dockets and Request for Counter-Designations,” filed August 23, 2006, is granted.
8. The Motion of American Business Media for Counter-Designations of Evidence from Prior Docket, filed August 23, 2006, is granted in part.
9. The Motion of the McGraw-Hill Companies, Inc. to Counter-Designate Evidence from a Prior Commission Docket, filed August 23, 2006, is granted in part.
10. The designations itemized in Attachments A, B, C-2 and D-2 are admitted into the evidentiary record of this proceeding.

George Omas
Presiding Officer

Time Warner — Commission-authorized Designations from Other Dockets

I. Docket No. R2005-1

A. Responses of witness McCrery (USPS-T-29)

TW/USPS-T11-5a (redirected from Van-Ty-Smith)
TW/USPS-T11-5c (redirected from Van-Ty-Smith)
TW/USPS-T11-5h (redirected from Van-Ty-Smith)
TW/USPS-T11-5i (redirected from Van-Ty-Smith)
TW/USPS-T11-5j (redirected from Van-Ty-Smith)
TW/USPS-T11-5k (redirected from Van-Ty-Smith)

TW/USPS-T11-6d (redirected from Van-Ty-Smith)
TW/USPS-T11-6e (redirected from Van-Ty-Smith)
TW/USPS-T11-6f (redirected from Van-Ty-Smith)
TW/USPS-T11-6g (redirected from Van-Ty-Smith)
TW/USPS-T11-6h (redirected from Van-Ty-Smith)

TW/USPS-T11-7a (redirected from Van-Ty-Smith)
TW/USPS-T11-7e (redirected from Van-Ty-Smith)
TW/USPS-T11-7g (redirected from Van-Ty-Smith)
TW/USPS-T11-7h (redirected from Van-Ty-Smith)
TW/USPS-T11-7i (redirected from Van-Ty-Smith)
TW/USPS-T11-7j (redirected from Van-Ty-Smith)

TW/USPS-T11-8d (redirected from Van-Ty-Smith)
TW/USPS-T11-8f (redirected from Van-Ty-Smith)
TW/USPS-T11-8g (redirected from Van-Ty-Smith)
TW/USPS-T11-8h (redirected from Van-Ty-Smith)
TW/USPS-T11-8i (redirected from Van-Ty-Smith)
TW/USPS-T11-8j (redirected from Van-Ty-Smith)

TW/USPS-T11-9b (redirected from Van-Ty-Smith)
TW/USPS-T11-9c (redirected from Van-Ty-Smith)
TW/USPS-T11-9d (redirected from Van-Ty-Smith)
TW/USPS-T11-9e (redirected from Van-Ty-Smith)

B. Responses of witness Miller (USPS-T-19) to TW/USPS-T19-2-6

II. Docket No. R2001-1

A. Responses of witness Kingsley (USPS-T-39)

AOL-TW/USPS-T39-10
AOL-TW/USPS-T39-11
AOL-TW/USPS-T39-12
AOL-TW/USPS-T39-13
AOL-TW/USPS-T39-14
AOL-TW/USPS-T39-16(c)
AOL-TW/USPS-T39-16(d)
AOL-TW/USPS-T39-16(e)
AOL-TW/USPS-T39-16(f)
AOL-TW/USPS-T39-17
AOL-TW/USPS-T39-18
AOL-TW/USPS-T39-19

B. Institutional

Responses of the United States Postal Service (as an institution)

AOL-TW/USPS-25
AOL-TW/USPS-26
AOL-TW/USPS-27
AOL-TW/USPS-28
AOL-TW/USPS-29
AOL-TW/USPS-30
AOL-TW/USPS-31
AOL-TW/USPS-32

III. Docket No. C2004-1

A. Witness Mitchell (TW et al.-T-1)

1. Direct Testimony

First Segment: TW et al.-T-1, page 8, line 1 *through* page 15, line 9 *through* “their mail.”

Second Segment: TW et al.-T-1, page 15, line 12 *through* page 16, line 2

Third Segment: TW et al.-T-1, page 16, line 11 *through* page 18, line 13

Fourth Segment: TW et al.-T-1, page 22, line 4 *through* page 25, line 12

Fifth Segment: TW et al.-T-1, page 30, lines 9 *through* 21 *through* “for processing.”

Sixth Segment: TW et al.-T-1, page 35, lines 3-21

Seventh Segment: TW et al.-T-1, page 44, line 1 *through* page 45, line 7 *through* “a few years ago.”

Eighth Segment: TW et al.-T-1, page 51, line 9 *through* page 52, line 30

Ninth Segment: TW et al.-T-1, page 55, line 10 *through* page 56, line 11

B. Witness Stralberg (TW et al.-T-2)

Direct Testimony

Sole Segment: TW et al.-T-2 at page 5, line 1 *through* page 12, line 9

United States Postal Service — Proposed Designations
Are Identical to Commission-authorized Designations

I. Docket No. R2005-1

Witness Van-Ty-Smith (USPS-T-11)

TW/USPS-T11-5b
TW/USPS-T11-5d
TW/USPS-T11-5e
TW/USPS-T11-5f
TW/USPS-T11-5g
TW/USPS-T11-6a
TW/USPS-T11-6b
TW/USPS-T11-6c
TW/USPS-T11-7b
TW/USPS-T11-7c
TW/USPS-T11-7d
TW/USPS-T11-7f
TW/USPS-T11-8a
TW/USPS-T11-8b
TW/USPS-T11-8c
TW/USPS-T11-9a

II. Docket No. C2004-1:

Rebuttal Testimony of Michael W. Miller on Behalf of United States Postal Service (USPS-RT-1) *(in its entirety)*

Rebuttal Testimony of Rachel Tang on Behalf of United States Postal Service (USPS-RT-2) *(in its entirety)*

Response of Postal Service Witness Tang to Presiding Officer's Information Request No. 2 *(in its entirety)*

Response of Postal Service Witness Tang to Notice of Inquiry No. 1 Concerning Periodicals Data *(in its entirety)*

III. Docket No. R2001-1

Witness Kingsley (USPS-T-39)

AOL-TW/USPS-T39-9

American Business Media — Proposed Counter-designations

Docket No. C2004-1

A. Witness Bradfield (ABM-T-2)

1. Direct Testimony

First Segment: Tr. 6/1686 *through* Tr. 6/1688, line 10

Second Segment: Tr. 6/1691, line 22, *through* Tr. 6/1695, line 14

Third Segment: Tr. 6/1697, line 4 *through* Tr. 6/1701, line 10

B. Witness Cavnar (ABM-T-1)

1. Written cross-examination

First Segment: TW et al./ABM-T1-8

2. Direct Testimony

Second Segment: Tr. 6/1721, line 1 *through* 5

Third Segment: Tr. 6/1722, line 1 *through* Tr. 6/1725, line 10

Fourth Segment: Tr. 6/1739, line 9 *through* Tr. 6/1742, line 16

Fifth Segment: Tr. 6/1743, line 3 *through* Tr. 6/1746, line 5

C. Witness McGarvy (ABM-T-3)

1. Written Cross-examination

First Segment: TW et al./ABM-T3-12

2. Direct Testimony

Second Segment: Tr. 6/1775-87 (*in its entirety*)

D. Witness Mitchell (TW et al.-T-1)

1. Written Cross-examination

ABM/TW et al.-T1-1
ABM/TW et al.-T1-5
ABM/TW et al.-T1-6
ABM/TW et al.-T1-10
ABM/TW et al.-T1-11
ABM/TW et al.-T1-12
ABM/TW et al.-T1-13
ABM/TW et al.-T1-18
ABM/TW et al.-T1-21
ABM/TW et al.-T1-22
ABM/TW et al.-T1-33
ABM/TW et al.-T1-36
ABM/TW et al.-T1-37
ABM/TW et al.-T1-40
ABM/TW et al.-T1-41
ABM/TW et al.-T1-42
ABM/TW et al.-T1-43
ABM/TW et al.-T1-44
ABM/TW et al.-T1-45
ABM/TW et al.-T1-46
ABM/TW et al.-T1-47
ABM/TW et al.-T1-48
ABM/TW et al.-T1-49
ABM/TW et al.-T1-50
ABM/TW et al.-T1-51
ABM/TW et al.-T1-52
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ABM/TW et al.-T1-60
ABM/TW et al.-T1-61
ABM/TW et al.-T1-69
ABM/TW et al.-T1-70
ABM/TW et al.-T1-71
ABM/TW et al.-T1-76
ABM/TW et al.-T1-79
ABM/TW et al.-T1-83
ABM/TW et al.-T1-84
ABM/TW et al.-T1-87
ABM/TW et al.-T1-88
ABM/TW et al.-T1-89
ABM/TW et al.-T1-91
ABM/TW et al.-T1-93

MH/TW et al.-T1-6
MH/TW et al.-T1-8
MH/TW et al.-T1-19
MH/TW et al.-T1-20
MH/TW et al.-T1-21
MH/TW et al.-T1-22
MH/TW et al.-T1-39
MH/TW et al.-T1-40

NNA/TW et al.-T1-2
NNA/TW et al.-T1-3
NNA/TW et al.-T1-13
NNA/TW et al.-T1-14
NNA/TW et al.-T1-18

USPS/TW et al.-T1-1
USPS/TW et al.-T1-2
USPS/TW et al.-T1-4
USPS/TW et al.-T1-5
USPS/TW et al.-T1-7
USPS/TW et al.-T1-8
USPS/TW et al.-T1-10
USPS/TW et al.-T1-15

2. Oral Cross-examination

Tr. 3/1142, line 21 *through* Tr. 3/1152, line 20
Tr. 3/1162, line 13 *through* line 24
Tr. 3/1164, line 4 *through* Tr. 3/1165, line 1
Tr. 3/1183, line 18 *through* Tr. 3/1186, line 19
Tr. 3/1211, line 24 *through* Tr. 3/1213, line 5
Tr. 3/1214, line 12 *through* Tr. 3/1218, line 22
Tr. 3/1241, line 21 *through* Tr. 3/1242, line 2

E. Witness Stralberg (TW et al.-T-2)

1. Written Cross-examination

ABM/TW et al.-T2-2
ABM/TW et al.-T2-3
ABM/TW et al.-T2-6
ABM/TW et al.-T2-7
ABM/TW et al.-T2-11
ABM/TW et al.-T2-13
ABM/TW et al.-T2-34
ABM/TW et al.-T2-36
ABM/TW et al.-T1-3 (redirected)
ABM/TW et al.-T3-42 (redirected)
MH/TW et al.-T2-2
USPS/TW et al.-T2-11

2. Oral Cross-examination

Tr. 1/210, line 8 *through* Tr. 1/226, line 19
Tr. 1/229, line 9 *through* Tr. 1/231, line 8
Tr. 1/263, line 1 *through* line 23

American Business Media — Commission-authorized Counter-designations

Docket No. C2004-1

A. Witness Bradfield (ABM-T-2)

1. Direct Testimony

First Segment: Tr. 6/1686, line 1 *through* Tr. 6/1687, line 8;
and Tr. 6/1687, line 14 *through* Tr. 6/1688,
line 10

Second Segment: Tr. 6/1691, line 22, *through* Tr. 6/1695, line 14

Third Segment: Tr. 6/1697, line 4 *through* Tr. 6/1701, line 6

B. Witness Cavnar (ABM-T-1)

Direct Testimony

Second Segment: Tr. 6/1721, line 1 *through* 5

Third Segment: Tr. 6/1722, line 1 *through* Tr. 6/1725, line 10

Fourth Segment: Tr. 6/1741, line 19 *through* Tr. 6/1742, line 16

Fifth Segment: Tr. 6/1743, line 3 *through* Tr. 6/1745, line 12;
and Tr. 6/1745, line 18 *through* Tr. 6/1746,
line 5

C. Witness McGarvy (ABM-T-3)

Direct Testimony

Tr. 6/1775, line 1 *through* line 7

Tr. 6/1776, line 3 *through* line 23

Tr. 6/1777, line 22 *through* Tr. 6/1780, line 5

Tr. 6/1782 line 4 beginning with "Crain is" *through* line 12

Tr. 6/1783, line 3 *through* Tr. 6/1786, line 7

Tr. 6/1787, line 6 *through* line 22

D. Witness Mitchell (TW et al.-T-1)

1. Written Cross-examination

ABM/TW et al.-T1-1
ABM/TW et al.-T1-5
ABM/TW et al.-T1-6
ABM/TW et al.-T1-10
ABM/TW et al.-T1-11
ABM/TW et al.-T1-12
ABM/TW et al.-T1-13
ABM/TW et al.-T1-18
ABM/TW et al.-T1-21
ABM/TW et al.-T1-22
ABM/TW et al.-T1-33
ABM/TW et al.-T1-36
ABM/TW et al.-T1-37
ABM/TW et al.-T1-40
ABM/TW et al.-T1-41
ABM/TW et al.-T1-42
ABM/TW et al.-T1-43
ABM/TW et al.-T1-44
ABM/TW et al.-T1-45
ABM/TW et al.-T1-46
ABM/TW et al.-T1-47
ABM/TW et al.-T1-48
ABM/TW et al.-T1-49
ABM/TW et al.-T1-50
ABM/TW et al.-T1-51
ABM/TW et al.-T1-52
ABM/TW et al.-T1-53
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ABM/TW et al.-T1-61
ABM/TW et al.-T1-69
ABM/TW et al.-T1-70
ABM/TW et al.-T1-71
ABM/TW et al.-T1-76
ABM/TW et al.-T1-79
ABM/TW et al.-T1-83
ABM/TW et al.-T1-84
ABM/TW et al.-T1-87
ABM/TW et al.-T1-88
ABM/TW et al.-T1-89
ABM/TW et al.-T1-91

MH/TW et al.-T1-6
MH/TW et al.-T1-8
MH/TW et al.-T1-19
MH/TW et al.-T1-20
MH/TW et al.-T1-39
MH/TW et al.-T1-40

NNA/TW et al.-T1-2
NNA/TW et al.-T1-3
NNA/TW et al.-T1-13
NNA/TW et al.-T1-14
NNA/TW et al.-T1-18

USPS/TW et al.-T1-1
USPS/TW et al.-T1-2
USPS/TW et al.-T1-4
USPS/TW et al.-T1-5
USPS/TW et al.-T1-7
USPS/TW et al.-T1-8
USPS/TW et al.-T1-10

2. Oral Cross-examination

Tr. 3/1142, line 21 *through* Tr. 3/1152, line 20
Tr. 3/1162, line 13 *through* line 24
Tr. 3/1164, line 4 *through* Tr. 3/1165, line 1
Tr. 3/1183, line 18 *through* Tr. 3/1186, line 19
Tr. 3/1211, line 24 *through* Tr. 3/1213, line 5
Tr. 3/1214, line 12 *through* Tr. 3/1218, line 22
Tr. 3/1241, line 21 *through* Tr. 3/1242, line 2

E. Witness Stralberg (TW et al.-T-2)

1. Written Cross-examination

ABM/TW et al.-T2-2
ABM/TW et al.-T2-3
ABM/TW et al.-T2-11
ABM/TW et al.-T3-42 (redirected)
USPS/TW et al.-T2-11

2. Oral Cross-examination

Tr. 1/210, line 8 *through* Tr. 1/226, line 19
Tr. 1/229, line 9 *through* Tr. 1/231, line 8
Tr. 1/263, line 1 *through* line 23

The McGraw-Hill Companies, Inc. — Proposed Counter-Designation

Docket No. C2004-1

Direct Testimony of Witness Schaefer (MH-T-1)

MH-T-1

*Corresponding to:
Docket No. C2004-1*

First Segment	page 1, line 1 <i>through</i> line 22	Tr. 6/1919, line 1 <i>through</i> line 22
Second Segment	page 4, line 6 <i>through</i> page 25, line 16	Tr. 6/1922 line 6 <i>through</i> Tr. 6/1943, line 16
Third Segment	page 27, line 23 <i>through</i> page 30, line 11	Tr. 6/1945, line 23 <i>through</i> Tr. 6/1948, line 11
Fourth Segment	page 34, line 15 <i>through</i> page 35, line 8	Tr. 6/1952, line 15 <i>through</i> Tr. 6/1953, line 8
Fifth Segment	cover, table of contents, exhibits and declaration	Tr. 6 (various)

The McGraw-Hill Companies, Inc. Counter-Designations — Commission-authorized

Docket No. C2004-1:

Direct Testimony of Witness Schaefer (MH-T-1)

	<i>MH-T-1</i>	<i>Corresponding to: Docket No. C2004-1</i>
First Segment	page 1, line 1 <i>through</i> line 22	Tr. 6/1919, line 1 <i>through</i> line 22
Second Segment	page 4, line 6 <i>through</i> page 7, line 7 page 7, line 15 beginning with "Witness" <i>through</i> page 16, line 24 <i>through</i> footnote 8 page 21, line 11 <i>through</i> page 25, line 16	Tr. 6/1922 line 6 <i>through</i> Tr. 6/1923, line 7 Tr. 6/1925, line 15 beginning with "Witness" <i>through</i> Tr. 6/1934, line 24 <i>through</i> footnote 8 Tr. 6/1939, line 11 <i>through</i> Tr. 6/1943, line 16
Third Segment	page 28, line 6 <i>through</i> page 29, line 9	Tr. 6/1946, line 6 <i>through</i> Tr. 6/1947, line 9
Fourth Segment	page 34, line 15 <i>through</i> page 35, line 8	Tr. 6/1952, line 15 <i>through</i> Tr. 6/1953, line 8
Fifth Segment	cover, exhibits and declaration	Tr. 6/1916; Tr. 6/1961-62; Tr. 6/1956-60