

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

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

Docket No. C2004-1

**COMMENTS OF AMERICAN BUSINESS MEDIA
IN RESPONSE TO PRESIDING OFFICER'S RULING C2004-1/22
(December 14, 2004)**

American Business Media hereby submits its comments in response to Presiding Officer's Ruling No. C2004-1/22, which, *inter alia*, asked parties to file a statement by today indicating whether they intend to file a response to the analysis by witness Stralberg of data submitted by the Postal Service and the National Newspaper Association and, if so, to state the earliest possible date on which they could provide such response.¹

American Business Media is unable to answer the Presiding officer's question at this time. Witness Stralberg's analysis was submitted on December 8th, and less than forty-eight hours later, on December 10th, American Business Media submitted (by e-mail in advance of that day's filing) eight interrogatories to the complainants directly related to that analysis. American Business Media will not know in advance of receiving and reviewing responses to those interrogatories whether it perceives a need to file a response.

¹ Presiding Officer's Ruling No. C2004-1/23 suggested that Ruling C2004-1/22 asked parties to indicate "whether they intend to direct any questions to witness Stralberg. . . ." American Business Media has submitted all of the questions that it intends at this time to submit.

American Business Media fully understands that the Commission would like to issue a decision in this case comfortably in advance of the expected omnibus rate filing in the spring of 2005. But given the apparent importance of the late-filed data to the Commission, it is essential that the due process rights of all parties be preserved. American Business Media pledges that, if it appears necessary to respond to witness Stralberg, they will so advise the Commission within two business days of the receipt of the complainants' interrogatory responses.²

The undersigned is authorized by intervenor The McGraw-Hill Companies to state that it concurs in the positions set forth above.

Respectfully submitted,

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² Although we have no reason to believe that the responses will be less than fully responsive to the questions, this pledge, of course, depends upon them being so.