

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Postal Rate and Fee Changes	:	Docket No. R2006-1
	:	
	:	

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)

Pursuant to sections 21(b) and 31(e) of the Rules of Practice, Time Warner Inc. (Time Warner) hereby replies to the Opposition of United States Postal Service to Motion of Time Warner Inc. to Designate Evidence From Other Commission Dockets, filed August 23, 2006, as amended by the 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 ("Notice").

In its Notice, filed yesterday, the Postal Service states that it

withdraws its opposition to all of the designations indicated in Time Warner Inc.'s Motion to Designate Evidence From Other Commission Dockets (filed August 9, 2006), except for witness McCrery's response to TW/USPS-T29-1 in Docket No. R2005-1, and witness Kingsley's response to AOL-TW/USPS-T39-16(a-b) in Docket No. R2001-1.

Notice at 1.

In support of its opposition to Time Warner's motion to designate those two responses, the Postal Service states that the information contained in each of them "has been updated" by responses of witness McCrery to Time Warner interrogatories in this docket. The Postal Service argues that "incorrect, invalid, and/or outdated information from previous dockets should not be given status as evidence in this case." Notice at 2. The Postal Service adds that "such information, however, may be cited as exemplifying

previous operations when a historical context helps to explain a participant's position in this proceeding." *Id.*, n. 1.

Time Warner was not unaware of witness McCrery's responses to its interrogatories in this docket updating the information provided in the designated prior responses to reflect current practices. Time Warner's intention, and its purpose in moving to designate the earlier responses, was precisely to cite those responses "as exemplifying previous operations when a historical context helps to explain [its] position in this proceeding."

On consideration, Time Warner believes that the Postal Service's statement that such materials may be cited as historical context relevant to a participant's position in this proceeding, without giving them "status as evidence in this case," is well taken. Time Warner therefore respectfully withdraws its motion to designate witness McCrery's response to TW/USPS-T29-1 in Docket No. R2005-1 and witness Kingsley's response to AOL-TW/USPS-T39-16(a-b) in Docket No. R2001-1 as evidence in Docket No. R2006-1.

Respectfully submitted,

s/ _____
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