

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

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

Docket No. C2004-1

FOURTH SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS OF TIME WARNER INC. ET AL.
TO AMERICAN BUSINESS MEDIA (TW ET AL./ABM-65-68)
(September 14, 2004)

Pursuant to sections 25, 26 and 27 of the rules of practice, 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. (collectively, Time Warner Inc. et al.) hereby direct the following interrogatories and requests for production of documents to American Business Media (ABM).

Time Warner Inc. et al. request that, in responding to these requests, ABM follow the guidelines set out in Time Warner Inc. et al.'s First Set of Interrogatories to ABM, filed July 27, 2004, which are incorporated by reference herein.

Respectfully submitted,

s/ _____
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**FOURTH SET OF INTERROGATORIES
FROM TIME WARNER INC. ET AL. TO ABM**

TW et al./ABM-65 Please refer to the instructions accompanying Time Warner Inc. et al.'s first set of interrogatories to ABM, filed July 27, 2004, which state in part:

With respect to each question and subpart thereof, if information is not available in the exact format or level of detail requested, please provide responsive material in such different format or level of detail as is available. If ABM is unable to provide current information, please provide the most recent information available and identify the date or period to which that information applies. If ABM is unable to provide complete information, please provide any partial or representative information available that is responsive to the question.

Please refer also to ABM's response to TW et al./ABM-3.b(1)-(13), filed August 18, 2004, where you replied to thirteen separate questions about the characteristics of ABM-member publications that ABM "does not routinely collect or maintain information that will permit it to identify in any systematic way" the characteristic in question.

With respect to each subpart of TW et al./ABM-3.b:

- a. please state when ABM last surveyed or made inquiry of its membership or any substantial portion thereof, whether directly or through an agent, formally or informally, regarding the characteristic in question;
- b. please describe the results of such survey or inquiry;
- c. please provide copies of any summaries or reports that were circulated to the ABM membership, to ABM's Board, or to any of ABM's committees concerning such survey or inquiry or its results (the identities

of particular publishers and publications may be masked, and/or materials may be submitted subject to the terms of the existing Nondisclosure Agreement between ABM and Time Warner Inc. et al, dated August 27, 2004); and

- d. please provide copies of all data or information collected through such survey or inquiry regarding the characteristic in question (the identities of particular publishers and publications may be masked, and/or materials may be submitted subject to the terms of the existing Nondisclosure Agreement between ABM and Time Warner Inc. et al, dated August 27, 2004).

TW et al./ABM-66 Please refer to the instructions accompanying Time Warner Inc. et al.'s first set of interrogatories to ABM, filed July 27, 2004, which state in part:

With respect to each question and subpart thereof, if information is not available in the exact format or level of detail requested, please provide responsive material in such different format or level of detail as is available. If ABM is unable to provide current information, please provide the most recent information available and identify the date or period to which that information applies. If ABM is unable to provide complete information, please provide any partial or representative information available that is responsive to the question.

Please refer also to ABM's response to TW et al./ABM-8, filed August 18, 2004, where you replied to five questions concerning participation in co-mailing, co-palletization, and pool shipping by ABM-member publications that ABM "does not routinely collect or maintain information that will permit it to estimate the number of American Business Media member publications that currently participate in a co-mailing or co-palletization program."

With respect to each part and subpart of TW et al./ABM-8:

- a. please state when ABM last surveyed or made inquiry of its publisher and/or printer members or any substantial portion thereof, whether directly or through an agent, formally or informally, regarding participation in co-mailing, co-palletization, and/or pool shipping;
- b. please describe the results of such survey or inquiry;
- c. please provide copies of any summaries or reports that were circulated to the ABM membership, to ABM's Board, or to any of ABM's committees concerning such survey or inquiry or its results (the identities of particular publishers and publications may be masked, and/or materials may be submitted subject to the terms of the existing Nondisclosure Agreement between ABM and Time Warner Inc. et al, dated August 27, 2004); and
- d. please provide copies of all data or information collected through such survey or inquiry regarding the characteristic in question (the identities of particular publishers and publications may be masked, and/or materials may be submitted subject to the terms of the existing Nondisclosure Agreement between ABM and Time Warner Inc. et al, dated August 27, 2004).

TW et al./ABM-67 Please refer to the instructions accompanying Time Warner Inc. et al.'s first set of interrogatories to ABM, filed July 27, 2004, which state in part:

With respect to each question and subpart thereof, if information is not available in the exact format or level of detail requested, please provide responsive material in such different format or level of detail as is available. If ABM is unable to provide current information, please provide the most recent information available and identify the date or period to which that information applies. If ABM is unable to provide complete information, please provide any

partial or representative information available that is responsive to the question.

Please refer also to ABM's response to TW et al./ABM-9.a-j, filed August 18, 2004, where you replied to ten questions concerning ABM members who are printers of Periodicals that ABM "does not routinely collect or maintain information about the operations of its printer members."

With respect to each subpart of TW et al./ABM-9.a-j:

- a. please state when ABM last surveyed or made inquiry of its printer members or any substantial portion thereof, whether directly or through an agent, formally or informally, regarding the characteristic or subject in question;
- b. please describe the results of such survey or inquiry;
- c. please provide copies of any summaries or reports that were circulated to the ABM membership, to ABM's Board, or to any of ABM's committees concerning such survey or inquiry or its results (the identities of particular publishers and publications may be masked, and/or materials may be submitted subject to the terms of the existing Nondisclosure Agreement between ABM and Time Warner Inc. et al, dated August 27, 2004); and
- d. please provide copies of all data or information collected through such survey or inquiry regarding the characteristic in question (the identities of particular publishers and publications may be masked, and/or materials may be submitted subject to the terms of the existing Nondisclosure

Agreement between ABM and Time Warner Inc. et al, dated August 27, 2004).

TW et al./ABM-68 In its response to TW et al./ABM-5c (filed August 31, 2004), ABM refers to a recent analysis of the potential impact on 141 ABM publications, belonging to five ABM member organizations, of the rates proposed by Time Warner Inc. et al. Additionally, ABM provided to Time Warner Inc. et al. (pursuant to a Nondisclosure Agreement, dated August 27, 2004) an Excel spreadsheet, consisting of four distinct worksheets that together appear to summarize an analysis performed on 144 different publications. No names identifying the publications or their owners appear in the spreadsheet.

In a partial response to TW et al./ABM-7, ABM provided (pursuant to the same Nondisclosure Agreement) a CD containing 155 mail.dat files for ABM publications, dating back to 2001. ABM's filed response to TW et al./ABM-7 states that these files, which were collected in 2001 in anticipation of the filing of the R2001-1 rate case, are "[t]he only mail.dat files in American Business Media's custody or control."

- a. Please confirm that the number of ABM publications analyzed with respect to the potential impact of the proposed rates is 144, not 141 as stated in your previous response. If not confirmed, please explain.
- b. Please confirm that no names of publications or ABM member organizations appear in the spreadsheet referred to above. If not confirmed, please explain.
- c. Please confirm that, while TW et al./ABM-5c requested the Excel files generated in the analysis of each publication, none of the

spreadsheets generated for each publication as part of the analysis using Access queries to analyze mail.dat files were provided. Please confirm also that removing publication names from those spreadsheets would have been a trivial matter.

- d. Please confirm that none of the 155 mail.dat files from 2001 that have been provided to Time Warner Inc. et al. were among the 144 files analyzed more recently.
- e. Please confirm that the 144 files analyzed this year were at the time of their analysis recent mail.dat files that reflected then current mail preparation.
- f. Please confirm that copies of these more recent 144 mail.dat files are in the custody of a consultant or consultants retained by ABM to perform the analysis and are also in the custody and control of ABM members who participated in the analysis and who are supporting ABM's activities in these proceedings.
- g. Was Crain Communications one of the five member organizations that provided mail.dat files for the recent analysis?
- h. Was VNU Business publications one of the five member organizations that provided mail.dat files for the recent analysis?
- i. Was Hanley Wood one of the five member organizations that provided mail.dat files for the recent analysis?

- j. Of the three witnesses whose testimony ABM sponsors in this case, who, if any, was directly involved in the analysis of the 144 publications?

- k. Please provide without further delays copies of the 144 mail.dat files as well as the 144 Excel spreadsheets generated in their analysis. (The identities of particular publishers and publications may be masked; Time Warner Inc. et al. stipulate that these materials are subject to the terms of the existing Nondisclosure Agreement between ABM and Time Warner Inc. et al, dated August 27, 2004.)