

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

COMPLAINT OF GAMEFLY, INC.                    )  
  )  
  )                   Docket No. C2009-1

APPLICATION OF THE UNITED STATES POSTAL SERVICE  
CONCERNING NONPUBLIC STATUS OF MATERIAL IN ITS  
OBJECTION TO DISCOVERY REQUESTS OF GAMEFLY, INC.  
(GFL/USPS-84-85, 98-100, 109, 117, 122(e)-(j), 129, 151, 152(d))  
(September 28, 2009)

The Postal Service has today filed an objection to certain discovery requests that were filed under seal by GameFly, due to the fact that they refer to documents that the Postal Service believes should be kept confidential. Whether to maintain the confidentiality of these underlying documents, and the discovery requests that refer to them, is the subject of a currently pending motion by GameFly to the Commission. See Motion of GameFly, Inc. for Order Directing Interested Parties to Show Cause Why Certain Documents and Information Designated as Proprietary by the Postal Service Should Not be Unsealed (September 25, 2009). The Postal Service is currently reviewing this motion. In light of the procedural posture of this case, the Postal Service moves that the portion of its objection that reproduces the discovery requests that GameFly filed under seal be accorded nonpublic status, pending further developments. To the extent that this application is deemed insufficient under any Commission Rule, the Postal Service respectfully requests a waiver of that rule in this instance.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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