

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

COMPLAINT OF GAMEFLY, INC.

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Docket No. C2009-1

APPLICATION OF THE UNITED STATES POSTAL SERVICE
CONCERNING NONPUBLIC STATUS OF ITS
RESPONSES TO DISCOVERY REQUESTS OF GAMEFLY, INC.
(October 14, 2009)

The Postal Service has today filed responses to several discovery responses of GameFly, Inc. under seal: GFL/USPS-170-177, 181-182. These discovery requests request detailed information concerning aspects of a cost study that examined customer-specific DVD processing costs. The Postal Service is currently considering whether to seek continued protection for this cost study (as well as other documents), and has been given until October 19, 2009 to file a pleading concerning that topic. In light of the procedural posture of this case, the Postal Service moves that these discovery responses be accorded nonpublic status, until such time as the Postal Service can comprehensively consider and respond to the arguments made by GameFly in its motion to unseal this cost study. 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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