

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

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

RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUESTS OF GAMEFLY, INC.
(GFL/USPS-191-92, 194-195, 199-200)
(October 20, 2009)

Pursuant to Rules 26 and 27 of the Commission's Rules of Practice and Procedure, the Postal Service hereby provides its responses to the following discovery requests of GameFly, Inc.: GFL/USPS-191-92, 194-195, 199-200.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:
Daniel J. Foucheaux, Jr.
Chief Counsel, Pricing and Product Support

Kenneth N. Hollies
Elizabeth A. Reed
Keith E. Weidner

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-6252, Fax -6187

REQUEST OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY, INC.

GFL/USPS-191. This refers to your response to GFL/USPS-78(b). Please list any and all “legal ramifications” *other* than a violation of 39 U.S.C. § 403(c) that the author(s) of the phrase “contemplated.”

RESPONSE:

As noted in the referenced response, no specific statute or regulation was contemplated by the authors as the basis for this statement, which was simply making the point that such slots could lead to customer complaints. As such, this list is not available. The Postal Service agrees that section 403(c) would likely be the first statutory provision cited by a customer with knowledge of title 39, though it does not doubt the ability of a customer or complainant to allege that such slots violate other obligations of the Postal Service.

REQUEST OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY, INC.

GFL/USPS-192. This refers to your response to GFL/USPS-81. The last sentence appears truncated. If so, please complete it. If it is not truncated, please explain what the phrase “but the Postal Service” means.

RESPONSE:

A revised response to that discovery request will be filed.

REQUEST OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY, INC.

GFL/USPS-194. This refers to your response to GFL/USPS-87. Please name the individual.

RESPONSE:

John A. Rapp (see GFL0000517).

REQUEST OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY, INC.

GFL/USPS-195. This refers to your response to GFL/USPS-88. Please name the individuals and groups to the extent that you possess this information.

RESPONSE:

This was a collective decision made over a number of years by senior Operations management, who consulted with other functional groups at Postal Service Headquarters.

REQUEST OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY, INC.

GFL/USPS-199. Please refer to your response to GFL/USPS-165(b), and the second sentence of your response to GFL/USPS-165(a). Does the *Postal Service* have enough information to comment on the accept and damage rates of the outbound and returning mailpieces of the customer in question? If so, please do so.

RESPONSE:

No. The Postal Service has not conducted a study to derive such data.

REQUEST OF THE UNITED STATES POSTAL SERVICE
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GFL/USPS-200. Please refer to the third sentence of your response to GFL/USPS-166(b), which contains the phrase “there was some debate . . .” If the “debate” was reflected in any documents, please produce them or provide GFL Bates number citations to them.

RESPONSE:

No, the debate was not reflected in any documents.