

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

COMPLAINT OF GAMEFLY, INC.

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Docket No. C2009-1

**APPLICATION OF GAMEFLY, INC.,
FOR NON-PUBLIC TREATMENT OF
LIBRARY REFERENCES GFL-LR-C2009-1-9 AND
GFL-LR-C2009-1-10
(June 14, 2010)**

Pursuant to Rule 3007.22, 39 C.F.R. § 3007.22, GameFly, Inc. ("GameFly") applies for nonpublic treatment of portions of and Library Reference GFL-LR-C2009-1-10 Compelled Response to USPS/GFL-38 and 46. GameFly has today filed copies of the unredacted versions of these documents under seal with the Commission, and served the same documents upon counsel for the Postal Service. All of these documents contain information that warrants protection from public disclosure under Rule 3007.22.

Specifically, Library Reference GFL-LR-C2009-1-9-Compelled Response to USPS/GFL-8 consists of proposals submitted to GameFly by a vendor for DVD mailers. These proposals contain information, including the pricing of various mailer designs, that is commercially sensitive to both GameFly and the vendor. Publicly revealing this information would provide GameFly's competitors with quantitative information about one of GameFly's principal costs. It would also provide the vendor's competitors with information that would allow them to undercut the vendor's pricing proposals in future competition for mailer business. Furthermore, because these documents contain little

non-sensitive information, they would be unintelligible in redacted form. GameFly therefore does not propose to file a public version of these documents.

Library Reference GFL-LR-C2009-1-10 Compelled Response to USPS/GFL-38 and 46 contains emails that disclose the business strategy of GameFly, including its reasoning behind the location of its facilities in relation to Postal Service facilities and decisions regarding the preparation of its mail. Such information is treated by GameFly as confidential, and GameFly could lose a competitive advantage if its competitors were able to access this information and copy GameFly's practices. To expedite the production of these documents to the Postal Service and meet the deadline imposed by Presiding Officer's Ruling No. C2009-1/23, issued June 10, 2010, GameFly has not performed a line-by-line review of all of the documents for confidential and proprietary information. Instead, GameFly has filed all of the documentary evidence that it is producing today under seal. GameFly will respond promptly to requests from the Postal Service to unseal portions of the documents that that do not warrant continued protection.

Respectfully submitted,

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June 14, 2010