

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

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

**FIRST DISCOVERY REQUESTS OF GAMEFLY, INC.,  
TO THE UNITED STATES POSTAL SERVICE WITNESS  
LARRY J. BELAIR  
(GFL/USPS-T2-1 to -18) (CORRECTED)**

Pursuant to Rules 25 through 27 of the Rules of Practice and Procedure of the Postal Regulatory Commission, GameFly, Inc., respectfully submits these discovery requests to USPS witness Larry J. Belair.

Respectfully submitted,

David M. Levy  
Matthew D. Field  
Alexandra Megaris  
VENABLE LLP  
575 7<sup>th</sup> Street, N.W.  
Washington, DC 20004  
(202) 344-4800

*Counsel for GameFly, Inc.*

August 4, 2010

## **INSTRUCTIONS AND DEFINITIONS**

1. GameFly incorporates by references the instructions and definitions set forth in its first discovery requests to the Postal Service, dated July 31, 2009.
2. These questions are directed to both the witness and the Postal Service, and call for all responsive information in the possession, custody or control of either the witness or the Postal Service.
3. If particular documents responsive to a request have already been produced to or by GameFly, it is sufficient to identify those documents by title and date (for pleadings) or by GFL Bates number (for documents produced by the Postal Service in discovery).

## **QUESTIONS**

**GFL/USPS-T2-1.** Please produce copies of all documents that you received in connection with your work in this case.

**GFL/USPS-T2-2.** Please produce copies of all documents that you reviewed in connection with your work in this case.

**GFL/USPS-T2-3.** Have you ever had a discussion with any employee of GameFly? If so, please identify the employee(s) and state the date, location and substance of the discussion.

**GFL/USPS-T2-4.** Please produce all Standard Operating Procedures (“SOPs”) that have governed the processing of Netflix DVD mailers at each Area, District, P&DC or other Postal Service facility where you have worked.

**GFL/USPS-T2-5.** Please produce all Standard Operating Procedures (“SOPs”) that have governed the processing of the DVD mailers of any DVD rental company at each Area, District, P&DC or other Postal Service facility where you have worked during the period that you worked there.

**GFL/USPS-T2-6.** On page 1, lines 20-22, of your testimony (USPS-T-2), you state:

Under the leadership of the Postmaster General and the Deputy Postmaster General, we have cut costs saving millions of workhours while improving efficiency and maintaining service to the American people.

Please confirm that automation has been an important factor in any cost and workhours savings.

**GFL/USPS-T2-7.** On page 4, lines 21-23 of your testimony, you state:

Some return pieces never get segregated, so those residual pieces (usually letter shaped) are processed with the rest of First-Class single piece mail...

Please specify the mail processing paths in detail for Netflix pieces that are not segregated or culled. Include in your description whether any of these pieces are processed in automated streams until they are finalized, whether any of these pieces are processed in manual streams after the 010 operation, and the

approximate percentages of these pieces that are not culled that are processed in manual and in automation streams.

**GFL/USPS-T2-8.** On page 5 of USPS-T-2, you testify that culling of Netflix mailers can improve efficiency in several ways. Please produce all analyses, studies, memoranda and other documents quantifying the cost savings assertedly allowed by from culling Netflix mail, and value of culling for meeting service standards.

**GFL/USPS-T2-9.** Please provide any studies, analyses or other document that you have prepared, or of which you are aware, that compare (a) the costs of processing Netflix mail or any other letter DVD mail by segregating it as described on page 4 of your testimony with (b) the cost of processing letter DVD mail in the automation stream. For each study, analysis or other document responsive to this question, please also provide the author or authors and the period over which the study was performed.

**GFL/USPS-T2-10.** Is Netflix mail fully machinable? Or does it create jams or perform unfavorably in mail processing automation at a higher rate than average letters?

**GFL/USPS-T2-11.** Do Netflix mail pieces pose safety or health risks to employees when processed by machine?

**GFL/USPS-T2-12.** Do Netflix mail pieces damage mail processing equipment?

**GFL/USPS-T2-13.** . On page 6 of your testimony, lines 17 through 20, you cite a local water utility’s bill payments as an example of high-density mail to a single destination that could be placed into a tub. Would such mail avoid automation processing? If so, please provide any studies or analyses demonstrating that such treatment is a more efficient method of processing mail than using automation equipment.

**GFL/USPS-T2-14.** Please produce the data underlying the relative volume figures on page 8, lines 7-8, of your testimony (USPS-T-2).

**GFL/USPS-T2-15.** Please refer to page 11 of your testimony (USPS-T-2).

(a) At how many delivery points does the IRS receive tax returns?

(b) At how many delivery points does the U.S. Census Bureau receive census forms?

**GFL/USPS-T2-16.** On page 13, lines 9-10, of USPS-T-2, you refer to “immense costs” that have been eliminated as a result of local processing decisions.

(a) Please quantify the contribution that manually processing Netflix return mail has made to these cost reductions.

(b) Please produce source documents and workpapers sufficient to verify your assumptions and analyses.

**GFL/USPS-T2-17.** This question refers to your statement on page 15, lines 18-20, of USPS-T-2, where you state:

[I]nsurance is available for mailers who want protection for mailpiece content, with the availability of insurance dependent upon the quality of the packaging.

(a) Please confirm that DVD return mailers are typically mailed back to the DVD rental company as PRM or BRM.

(b) Please confirm that DVD rental companies cannot buy insurance from the Postal Service for DVD mailers returned as PRM or BRM.

**GFL/USPS-T2-18.** This concerns the DVD packaging developed by the Postal Service Engineering and referenced in your testimony, USPS-T-2, at 3-4.

- (a) What were the breakage rates of DVDs mailed in this packaging?
- (b) How many DVD rental companies have used the mailer?
- (c) Why is no DVD rental company currently using the mailer?
- (d) Please produce all communications, studies, analysis and other documents sufficient to verify your answers to parts (a)-(c).