

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

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

**RESPONSES OF UNITED STATES POSTAL SERVICE WITNESS ROBERT
LUNDAHL TO DISCOVERY REQUESTS OF GAMEFLY, INC.
(GFL/USPS-T4-17-19, 22, 28, and 35(a))
(September 22, 2010)**

Pursuant to Rules 26 and 27 of the Commission's Rules of Practice and Procedure, Postal Service witness Robert Lundahl provides his responses to the following discovery requests from GameFly, Inc.: GFL/USPS-T4-17-19, 22, 28, and 35(a), filed on August 4, 2010. The Postal Service filed objections to these discovery requests on August 13, 2010.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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

Kenneth N. Hollies
James M. Mecone

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-3083
(202) 268-6525, Fax -3084
September 22, 2010

RESPONSE OF UNITED STATES POSTAL SERVICE WITNESS ROBERT LUNDAHL TO DISCOVERY REQUESTS OF GAMEFLY, INC.

GFL/USPS-T4-17. This questions concerns [sic] the standards and practices described on pages 3-14 of your testimony (USPS-T-4):

(a) Please identify the DVD rental companies to which your company has recommended adoption of these standards and practices.

(b) For each DVD rental company identified in response to part (a), please specify the extent to which the company has adopted each of the recommended standards and practices.

(c) For each standard or practice that your company has recommended but the DVD rental company has *not* adopted, please explain why the DVD rental company chose not to adopt the standard or practice.

(d) Please produce documents sufficient to verify your responses to the previous parts of this question.

RESPONSE:

(a) Netflix

(b) ATR was not involved in the actual implementation of any remedial actions. Later discussions with Netflix reveal that Netflix has implemented most of the ATR recommendations, as described below.

[REDACTED]

(c) ATR was not involved in the actual implementation of any remedial actions. **[REDACTED]**

(d) Please see the Appendix to the Response of the United States Postal Service to Motion of GameFly, Inc., to Compel the Postal Service to Answer GameFly Discovery Request or, in the Alternative to Strike Testimony of USPS Witness Robert Lundahl (USPS-T-4), filed under seal with the Commission on August 31, 2010.

RESPONSE OF UNITED STATES POSTAL SERVICE WITNESS ROBERT
LUNDAHL TO DISCOVERY REQUESTS OF GAMEFLY, INC.

GFL/USPS-T4-18. Since receiving or applying your advice on how to reduce DVD breakage, has Netflix communicated to the Postal Service or ATR a willingness to have its DVD mailers receive less manual culling and processing from the Postal Service, and more automated letter processing? Please produce all communications to and from Netflix on this point, as well as all internal communications within the Postal Service and ATR on this point.

RESPONSE:

I am not aware of any communications responsive to this discovery request.

RESPONSE OF UNITED STATES POSTAL SERVICE WITNESS ROBERT
LUNDAHL TO DISCOVERY REQUESTS OF GAMEFLY, INC.

GFL/USPS-T4-19. Please identify each and every DVD rental company that, after learning of your advice on how to reduce DVD breakage, has communicated a willingness to have its DVD mailers receive less manual culling and processing by the Postal Service and more automated letter processing. Please produce all communications to and from the DVD rental company on this point, as well as all internal communications within the Postal Service on this point.

RESPONSE:

I am not aware of any communications responsive to this discovery request.

RESPONSE OF UNITED STATES POSTAL SERVICE WITNESS ROBERT LUNDAHL TO DISCOVERY REQUESTS OF GAMEFLY, INC.

GFL/USPS-T4-22. On page 2, lines 9-10, of your testimony (USPS-T-4), you state: "By way of contrast, Netflix has studied DVDs and their structure and composition."

(a) Please provide copies of all such studies, whether performed by Netflix employees, outside vendors or consultants, or a combination of the two.

(b) If you obtained any of your information about the Netflix studies from written communications or documents other than the studies themselves, please produce the communications and documents.

(c) If you obtained any of your information about the Netflix studies from oral communications, please state the date(s) of the communications, summarize the communications, and identify the sources of and witnesses to in [sic] the communications by name, title and employer.

(d) Please discuss your role (if any) in each of the Netflix studies of "DVDs and their structure and composition."

RESPONSE:

(a) Please see the Appendix to the Response of the United States Postal Service to Motion of GameFly, Inc., to Compel the Postal Service to Answer GameFly Discovery Request or, in the Alternative to Strike Testimony of USPS Witness Robert Lundahl (USPS-T-4), filed under seal with the Commission on August 31, 2010.

(b) Not applicable

(c) Not applicable

(d) My role as a consultant was to manage the studies referenced in the response to (a).

RESPONSE OF UNITED STATES POSTAL SERVICE WITNESS ROBERT LUNDAHL TO DISCOVERY REQUESTS OF GAMEFLY, INC.

GFL/USPS-T4-28. This question concerns the “recommendations to Netflix” referenced on page 5, lines 7-9, of your testimony (USPS-T-4). Please identify the recommendations, produce any documents setting them forth, and describe the extent to which the recommendation were [sic] adopted by Netflix.

RESPONSE:

ATR did not prepare formal recommendations for Netflix. The Appendix to the Response of the United States Postal Service to Motion of GameFly, Inc., to Compel the Postal Service to Answer GameFly Discovery Request or, in the Alternative to Strike Testimony of USPS Witness Robert Lundahl (USPS-T-4), filed under seal with the Commission on August 31, 2010, contains the “recommendations to Netflix” that I referenced in my testimony. Discussions with Netflix reveal that Netflix has implemented most of the ATR recommendations, as described below.

[REDACTED]

RESPONSE OF UNITED STATES POSTAL SERVICE WITNESS ROBERT LUNDAHL TO DISCOVERY REQUESTS OF GAMEFLY, INC.

GFL/USPS-T4-35. On page 11, lines 15-17, of your testimony (USPS-T-4), you state that “Many mailers have taken actions to reduce or even avoid the risks of damage described above without changing the type of mail processing they receive.”

(a) Please identify each of the “many mailers” to whom you refer.

RESPONSE:

(a) I know that Netflix has installed reinforcement rings on part of its disc population. The reinforcement rings are a commercial product, and I do not know the identities of other mailers who use this product or take other actions to reduce or avoid disc damage.
