

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

Complaint of GameFly, Inc.

Docket No. C2009-1

MOTION OF THE PUBLIC REPRESENTATIVE
TO ADMIT CHRISTENSEN SPREADSHEETS
INTO THE EVIDENTIARY RECORD
(October 29, 2010)

Pursuant to a Presiding Officer's ruling during yesterday's hearing, the Public Representative moves to include spreadsheets underlying the Christensen Report in the evidentiary record. GameFly witness Glick's testimony (both direct and rebuttal) relies heavily on the Christensen Report and its underlying spreadsheets. Most of the Christiansen Report was unsealed in POR-17. The underlying Excel spreadsheets were not mentioned in POR 17. However, those spreadsheets are used to produce tables that appear in the unsealed portions of the Christensen Report. Thus, to the extent that the spreadsheets support unsealed portions of the Christensen Report, they should also be considered unsealed.

The Postal Service spent a good deal of time yesterday afternoon cross-examining witness Glick about the details of the Christensen spreadsheets. Such extensive cross-examination illustrates the importance of the spreadsheets to this case. Those spreadsheets should have been offered as cross-examination exhibits by the Postal Service, as the Presiding Officer eventually ruled.

Because both GameFly and the Postal Service have relied on the Christensen spreadsheets, they should be filed with the Commission and admitted into evidence.

Respectfully submitted,

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