

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

Complaint of GameFly, Inc.	Docket No. C2009-1R
Competitive Product List Adding Round-Trip Mailer	Docket No. MC2013-57
Competitive Product Prices Round-Trip Mailer	Docket No. CP2013-75

REPLY COMMENTS OF THE PUBLIC REPRESENTATIVE IN RESPONSE TO
COMMISSION ORDER NO. 1794

(August 22, 2013)

Pursuant to Order No. 1794, the Public Representative respectfully submits these comments on the Request of the Postal Service Under Section 3642 to Create Round-Trip Mailer Product.

The Public Representative agrees with the positions of Netflix and GameFly. The Round-Trip DVD mailer is a Market Dominant product subject to the mailbox monopoly. The Commission has clarified the price-cap impact the remedy outlined in Order No. 1763 and removed any perceived impediment for the September 30, 2013, implementation of the remedy.

The Postal Service has notably failed to comply with the requirements of U.S.C.39 Section 3642 (b)(3)(B) and U.S.C.39 Section 3642 (b)(3)(C). Netflix and GameFly, the users of the product discussed in Section 3642 (b)(3)(B), are clearly opposed to the reclassification of the product as Competitive.

The failure of the Postal Service to comply with Section 3642 (b)(3)(C), which requires due regard be provided to small business concerns, is even more severe. The

Public Representative has conducted outreach to many small DVD mailers. The Postal Service did not reach out to ascertain the concerns of any of the mailers contacted by the Public Representative. All of the small mailers contacted by the Public Representative were opposed to the reclassification of the Round-Trip DVD mailer as competitive. Two small mailers are planning to comment on the Postal Service's proposal pursuant to this docket. The Public Representative believes that due consideration should be provided for the unique concerns of these small mailers.

Respectfully submitted,

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