Postal Regulatory Commission
Submitted 4/8/2014 3:42:29 PM
Filing ID: 89566
Accepted 4/8/2014

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

COMPETITIVE PRODUCT LIST ADDING ROUND-TRIP MAILER	))	Docket No. MC2013-57
COMPETITIVE PRODUCT LIST ADDING ROUND-TRIP MAILER (MC2013-57)	)))	Docket No. CP2013-75

MOTION OF GAMEFLY, INC.,
FOR ACCESS TO NONPUBLIC VERSION OF
USPS REPLY COMMENTS FILED APRIL 4, 2014
(April 8, 2014)

Pursuant to 39 C.F.R. § 3007.40, GameFly, Inc. ("GameFly") respectfully requests access to the nonpublic version of the "USPS Reply Comments Submitted Pursuant to Order No. 2011" (filed April 4, 2014). The Postal Service and Netflix, Inc., consent to this.

GameFly designates the same individuals as its reviewing representatives that GameFly designated for the Postal Service's March 21 comments:

David M. Levy, Partner, Venable LLP (legal counsel for GameFly)

Matthew D. Field, Partner, Venable LLP (legal counsel for GameFly)

Robert P. Davis, Of Counsel, Venable LLP (legal counsel for GameFly)

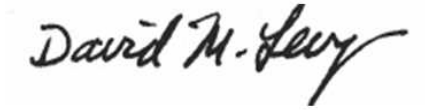
Lawrence Buc, President, SLS Consulting (economic consultant to GameFly)

Sander Glick, Vice President, SLS Consulting (economic consultant to GameFly)

All of these individuals have been authorized reviewing representatives of GameFly in previous stages of this litigation. In this capacity, all five have had access to proprietary information about the Postal Service and Netflix.

Executed copies of the Appendix A protective conditions are attached.

Respectfully submitted,



David M. Levy
Matthew D. Field
Robert P. Davis
VENABLE LLP
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Washington, DC 20004
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Counsel for GameFly, Inc.

April 8, 2014

Appendix A

STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS

The Postal Service (or a third party) has filed a non-public version of its March 21, 2014, comments in Commission Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*, and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)*. The Postal Service (or a third party) requests confidential treatment of the materials (hereinafter "these materials").

The following protective conditions limit access to these materials. Each person seeking to obtain access to these materials must agree to comply with these conditions, complete the attached certifications, and provide the completed certifications to the Commission and counsel for the Postal Service.

1. Access to these materials is limited to a person as defined in rule 5(f), 39 CFR 3001.5(f), or an individual employed by such person, or acting as agent, consultant, contractor, affiliated person, or other representative of such person for purposes related to the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; or Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)*. However, no person involved in competitive decision-making for any entity that might gain competitive advantage from use of this information shall be granted access to these materials. "Involved in competitive decision-making" includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with a person or entity having a proprietary interest in the protected material.

2. No person granted access to these materials is permitted to disseminate them in whole or in part to any person not authorized to obtain access under these conditions.

3. Immediately after access has terminated under rule 39 CFR 3007.41 or 3007.51, a person (and any individual working on behalf of that person) who has obtained a copy of these materials shall certify to the Commission:

   (a) That the copy was maintained in accordance with these conditions (or others established by the Commission); and

   (b) That the copy (and any duplicates) either have been destroyed or returned to the Commission.

4. The duties of each person obtaining access to these materials shall apply to material disclosed or duplicated in writing, orally, electronically, or otherwise, by any means, format, or medium. These duties shall apply to the disclosure of excerpts from or parts of the document, as well as to the entire document.

5. All persons who obtain access to these materials are required to protect the document by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of the document as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.

6. These conditions shall apply to any revised, amended, or supplemental versions of these materials provided in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)*.

7. The duty of nondisclosure of each person obtaining access to these materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 9 and 10, below.

8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.

9. Any written materials that quote or contain materials protected under these protective conditions are also covered by the same protective conditions and certification requirements, and shall be filed with the Commission only under seal. Documents submitted to the Commission as confidential shall remain sealed while in the Secretary's office or such other place as the Commission may designate so long as they retain their status as stamped confidential documents.

10. If a court or other administrative agency subpoenas or orders production of confidential information which a person has obtained under the terms of this protective order, the target of the subpoena or order shall promptly (within 2 business days) notify the Postal Service of the pendency of the subpoena or order to allow it time to object to that production or seek a protective order.

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)* by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)*. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name: Lawrence G. Bee

Firm: SLS Consulting, Inc

Title: President, SLS Consulting Inc

Representing: Greetly

Signature: [signature]

Date: April 7, 2014

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)* by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)*. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name Robert Davis

Firm Venable LLP

Title Of Counsel

Representing GameFly

Signature [signature]

Date 4/7/2014

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)* by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)*. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name Matthew D. Field

Firm Venable LLP

Title Partner

Representing GameFly, Inc.

Signature Matthew D. Field

Date 4/8/14

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)* by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)*. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name Sander Glick

Firm SLS Consulting

Title Vice President

Representing Gamefly

Signature [illegible]

Date 4/7/14

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)* by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Docket No. MC2013-57, *Competitive Product List—Adding Round-Trip Mailer*; and Docket No. CP2013-75, *Competitive Product List—Adding Round-Trip Mailer (MC2013-57)*. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name David M. Levy

Firm Venable LLP

Title Partner

Representing Gamefly

Signature David M. Levy

Date April 8, 2014