



July 29, 2009

Mr. Carl Malamud
President and CEO
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

This is in response to your letter to Michael Wash, GPO's Chief Information Officer, dated July 14, 2009, in which you request to be reimbursed for the amount you paid GPO for an electronic version of the 2008 Code of Federal Regulations (CFR). Your request was forwarded to this office for review and response, because a refund such as you request would be contrary both to the explicit terms of the agreement that you signed in tandem with your purchase and our normal procedures.

We have reviewed this matter carefully and do not believe that there was any failure on GPO's part to advise you fairly regarding the material that GPO was providing in the way of a data base. On September 9, 2008, you were given a sample file of the CFR data for your review prior to purchase. By letter dated September 17, 2008, you ordered the entire CFR and indicated at that time that you found the format satisfactory and acknowledged both in your letter and in the purchase agreement you signed that you understood that the data would be hard to use. The Locator Coded Product Purchase Agreement also stated the following:

No stock of these products is kept on hand at GPO for filling customer orders. Each of these products is specially created after an order has been placed by the customer. In order to fulfill our cost recovery mandate, all sales of GPO locator coded files are final. Once a product has been produced and shipped as a result of the agreement, there will be no refund of the sales price. Damaged products will be replaced.

The agreement does not include any reference to continued product support, or indeed that any other materials would be supplied to supplement the raw data file.

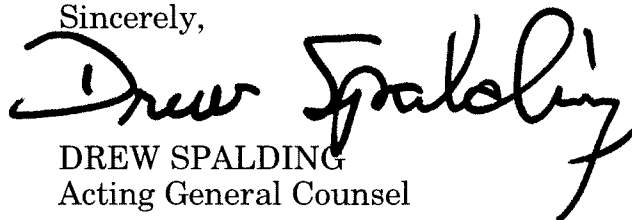
Because you placed the order as late in the year as you did, a considerable amount of concentrated work time was expended in assembling and producing the data file you purchased. In addition, we understand that GPO's representatives were in contact with you to assist you with your concerns following some of the initial shipments. It is our understanding that you were advised that the CFR titles are issued irregularly and that GPO can release them only as the titles are issued. At this point, it is the agency's belief that you have received all of the titles that were issued for 2008.

You indicate in your July 14, 2009, letter that you found gaps in the information provided. The agency is fully prepared to assist you with respect to any materials you believe you should have received, but did not. However, we believe that you may be seeking data files for CFR titles that were not revised in 2008, and thus those titles would only be given a new cover, but no new text would be produced and would not be included in the data file.

As you know, as part of the transition to FDsys, GPO is in the process of converting data bases to a different format. We plan to roll that out for the CFR in the very near future, and we expect this format will provide you and others with the ability to download the data in bulk and without the limitations associated with Locator Coded Product you purchased

In closing, I regret that you did not consider the product you bought to be satisfactory. However, our review does not suggest that the agency misled you about what you were purchasing, or was indifferent to your concerns once you started receiving the data. Therefore, GPO is not persuaded there is any reason to change the agreement you entered into and to refund your purchase costs.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Spalding", written in a cursive style.

DREW SPALDING
Acting General Counsel