



Federal Communications Commission
Washington, D.C. 20554

August 5, 2020

VIA ELECTRONIC MAIL

Austin R. Evers
Executive Director
American Oversight
1030 15th Street, NW Suite B255
Washington, D.C. 20005
foia@americanoversight.org

Re: FOIA Control No. 2020-000366

Mr. Evers:

This letter responds to the Freedom of Information Act (FOIA) request you filed with the Federal Communications Commission (Commission or FCC), covering the time period February 15, 2020 through March 2, 2020, and seeking:

All emails communications (including emails, email attachments, complete email chains, and calendar invitations) sent or received by the FCC officials or employees listed below, containing the key terms listed below.

Agency Officials: a. Chairman Ajit Pai, or anyone serving as his scheduler or assistant b. Chief of Staff to the Chairman Matthew Berry c. Senior Counsel Nicholas Degani d. Special Counsel Michael Carowitz e. Media Advisor Alexander Sanjenis f. Policy Advisor Evan Swartztrauber g. Commissioner Michael O’Rielly, or anyone serving as his scheduler or assistant h. Chief of Staff and Media Legal Advisor to Commissioner O’Rielly Joel Miller i. Legal Advisor Erin McGrath j. Commissioner Brendan Carr, or anyone serving as his scheduler or assistant k. Legal Advisor Will Adams l. Legal Advisor Joseph Calascione m. Legal Advisor, Media Ben Arden n. Any person serving as White House Liaison or White House Advisor o. Bureau Chief, Consumer and Governmental Affairs Bureau, Patrick Webre

Key Terms: a. “Economic Report of the President” b. “ERP” c. “Consumer Savings on Internet Access” d. “50 billion” e. “40 billion” f. “real incomes” g. “real income” h. “Restoring Internet Freedom” i. “net neutrality”¹

Your request has been assigned FOIA Control No. 2020-000366 and referred to the Office of General Counsel for a response.

In furtherance of your request, the Offices of Chairman Pai, Commissioner Carr, Commissioner O’Rielly, and the Consumer and Governmental Affairs Bureau searched for

¹ FCC FOIA Control No. 2020-000366 (Filed Mar. 16, 2020).

responsive records.² The searches, conducted in accordance with the parameters set forth above, failed to yield any records regarding the February 2020 “Economic Report of the President,” referenced in your request.

We are required by both the FOIA and the Commission’s own rules to charge requesters certain fees associated with the costs of searching for, reviewing, and duplicating the sought after information.³ To calculate the appropriate fee, requesters are classified as: (1) commercial use requesters; (2) educational requesters, non-commercial scientific organizations, or representatives of the news media; or (3) all other requesters.⁴

Pursuant to section 0.466(a)(5)-(7) of the Commission’s rules, you have been classified as category (2), “educational requesters, non-commercial scientific organizations, or representatives of the news media.”⁵ As an “educational requester, non-commercial scientific organization, or representative of the news media,” the Commission assesses charges to recover the cost of reproducing the records requested, excluding the cost of reproducing the first 100 pages. As the searches undertaken did not yield any responsive records, you will not be charged any fees.

You have requested a fee waiver pursuant to section 0.470(e) of the Commission’s rules.⁶ As you are not required to pay any fees in relation to your FOIA request, the Office of the General Counsel, which reviews such requests, does not make a determination on your request for a fee waiver.⁷

If you consider this to be a denial of your FOIA request, you may seek review by filing an application for review with the Office of General Counsel. An application for review must be *received* by the Commission within 90 calendar days of the date of this letter.⁸ You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 445 12th St SW, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to FOIA-Appeal@fcc.gov. Please caption the envelope (or subject line, if via e-mail) and the application itself as “Review of Freedom of Information Action.”

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission’s FOIA Public Liaison for assistance at:

FOIA Public Liaison
Federal Communications Commission, Office of the Managing Director,
Performance Evaluation and Records Management
445 12th St SW, Washington, DC 20554
202-418-0440

² Note the Commission does not have a dedicated White House liaison or contact.

³ See 5 U.S.C. § 552(a)(4)(A); 47 C.F.R. § 0.470.

⁴ 47 C.F.R. § 0.470.

⁵ 47 C.F.R. § 0.466(a)(5)-(7).

⁶ 47 C.F.R. § 0.470(e).

⁷ 47 C.F.R. § 0.470(e)(5).

⁸ 47 C.F.R. §§ 0.461(j), 1.115; 47 C.F.R. § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

FOIA-Public-Liaison@fcc.gov

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
ogis.archives.gov

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Lyle". The script is cursive and fluid.

Elizabeth Lyle
Assistant General Counsel

cc: FCC FOIA Office
Consumer and Governmental Affairs Bureau