

THE CENTER FOR PUBLIC INTEGRITY

August 24, 2006

Shoko B. Hair
FOIA Public Liaison
Office of the Managing Director
Federal Communications Commission
Room 1-A836
445 12th Street, S.W.
Washington, D.C. 20554

Dear Shoko B. Hair:

This is a request under the Freedom of Information Act.

On behalf of the Center for Public Integrity, I request that copies of the records identified and described below be provided to me.

I request:

- A database or other similar electronic copy of all records collected with FCC Form 477 (“Local Telephone Competition and Broadband Reporting”). The form is published on the agency’s Web site at <http://www.fcc.gov/broadband/data.html>
- All documentation associated with that database.

I request that these records be produced in an electronic data format such as a spreadsheet, delimited data set, database file or similar electronic data format. I also request any and all documentation related to these records, including but not limited to data dictionaries, database documentation, record layouts, data entry instructions and similar printed or electronic documentation materials.

If it is not possible to produce all the fields in the database, we are willing to negotiate to narrow the scope of this request.

If you deny access to any record or portion of a record, please specify which statutory exemptions are claimed for each withholding. Please separately state your reasons for not invoking your discretion, as the Act allows, to release the requested information. Please indicate the size of each record withheld (e.g., amount of electronic memory or number of paper pages), the total size of the records identified as responsive to this request and the dates of each record withheld.

Please respond within 20 business days, as the Act provides.

The Center for Public Integrity is a 501(c)(3) educational organization and a news media organization, and therefore this request should be exempt from all fees for search and review. In the past, federal agencies, including the Department of State, the Central Intelligence Agency, the Environmental Protection Agency and the Department of Defense, among others, have uniformly exempted the Center from search and review fees as a representative of the news media.

In addition, I request a waiver of all duplication fees for this request as permitted under the Act. This request is being made in connection with newsgathering and is not for a commercial purpose. Disclosure of the requested information to the Center is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of your agency and the agency's regulation of the communications industries. However, if there are any search, review or duplication fees greater than \$200, please inform me before you fill the request.

The Center for Public Integrity is a nonprofit, nonpartisan, tax-exempt organization that conducts investigative research and reporting on public policy issues in the United States and around the world. For more information on the Center for Public Integrity please refer to <http://www.publicintegrity.org>.

In reference to our request I am providing the following information addressing the six factors listed in the Department of Justice's FOIA Guide (May 2004): Fees and Fee Waivers, as found online at <http://www.usdoj.gov/oip/fees.htm>.

- 1) The subject matter of the requested records concerns the "operations or activities of the government," specifically of the Federal Communications Commission.
- 2) The content from these contracts "is likely to contribute" to public understanding of your agency and the agency's regulation of the communications industries. Our research would not be possible without the specific content garnered by the release of the requested information. Prior to any action on this FOIA request, this information is not freely available to the public.
- 3) Due to the nature of our organization, the disclosure under our FOIA request will "contribute to the understanding of the public at large." Our reports based on the released information will be posted on our Web site, www.publicintegrity.org, and will be read by tens of thousands of people worldwide. We expect the information produced through this and other FOIA requests to serve as the basis for several articles and press releases that explain the actions and operations of government to the general public.
- 4) In addition to publishing the information on our Web site, relevant information from this FOIA request will also be distributed to the general public via major news organizations. Among the news organizations that referred to our reports during a recent time period are: CBS, NBC, CNN, NPR, U.S. News & World Report, AP, AFP, Reuters, Knight Ridder, Cox News, New York Times, Washington Post, Los Angeles Times, USA Today, Dallas Morning News, Houston Chronicle, Austin American Statesman, Chicago Tribune, Philadelphia Inquirer, Christian Science Monitor, Atlanta Journal & Constitution, San Francisco Chronicle

and the Seattle Times. International newspapers such as The Gazette (Montreal), Daily Telegraph (London), The Guardian, Irish Times, Scotland on Sunday and Hong Kong Mail have also cited the Center reports recently. We expect that information provided through this FOIA request will similarly result in reporting featured by such national and global news organizations.

The Center for Public Integrity also possesses the skills necessary to process the requested information. We are investigative journalists and database administrators. We write and publish reports on our Web site and books for sale to the public that often require in-depth collection and analysis of electronic records. Other members of the media consider us to be skilled journalists as evidenced by our numerous awards over the years from the Society of Professional Journalists and Investigative Reporters and Editors Inc. Additionally, many federal agencies, in connection with FOIA fee exemptions and waivers, have deemed the Center for Public Integrity to be a representative of the news media.

5) The disclosures we request under the Freedom of Information Act do not primarily serve any “commercial interest.” Any data derived from our request will be used primarily to educate the public and will be distributed freely. As described in section (4), we are a news media organization and plan to communicate this information to the public.

6) In reference to any “commercial interest,” we do not have any. Almost all of our revenue comes from grants and donations. The Center for Public Integrity is a nonprofit organization. Most of the Center’s reports are available on our Web site without charge.

Thank you for your attention to this request.

Sincerely,

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