

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment to the Fee Schedule for the)
Processing of Requests for Agency Records)
Pursuant to the Freedom of Information Act)
)
)
)
)

ORDER

Adopted: February 21, 2008

Released: February 29, 2008

By the Managing Director:

1. The Freedom of Information Act (FOIA) requires federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidance issued by the Office of Management and Budget (OMB).¹ In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines.² However, because the FOIA requires that each agency’s fees be based upon the direct cost incurred by the agency in providing FOIA services,³ OMB did not provide a unitary, government-wide schedule of fees.

2. The Commission based its FOIA Fee Schedule on the grade level of the employee who processes the request. Thus, the Fee Schedule was computed at a Step 5 of each grade level, based on the General Schedule effective January 1987 (including 20 percent for personnel benefits). The Commission’s rules provide that the Fee Schedule will be modified periodically to correspond with modifications in the rate of pay approved by Congress. See 47 CFR Section 0.467 (a)(1) note.

3. By this order, the Commission is revising the schedule of fees set forth in Section 0.467 of its rules, 47 CFR Section 0.467,⁴ for the recovery of the full, allowable direct costs of searching for and reviewing agency records requested pursuant to the FOIA and the Commission’s rules, 47 CFR Sections 0.460, 0.461. The revisions correspond to modifications in the rate of pay, which was approved by Congress.

4. These modifications to the Fee Schedule do not require notice and comment because they merely update the Fee Schedule to correspond to modifications in rates of pay, as required under the current rules. The Commission will not distribute copies of this Order pursuant to the Congressional

¹ 5 U.S.C. Section 552(a)(4)(A)(i).

² 52 FR 10012 (March 27, 1987).

³ 5 U.S.C. Section 552(a)(4)(A)(iv).

⁴ These fees may be restricted or waived in accordance with 5 U.S.C. Section 552(a)(4)(A); 47 CFR Section 0.470.

Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the rules are a matter of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

5. Accordingly, pursuant to the authority contained in Section 0.231(b) of the Commission's rules, 47 CFR Section 0.231(b), IT IS HEREBY ORDERED, that, effective upon publication in the Federal Register, the Fee Schedule contained in Section 0.467 of the Commission's rules, 47 CFR Section 0.467, is amended, as described herein.

FEDERAL COMMUNICATIONS COMMISSION

Anthony J. Dale
Managing Director

AMENDATORY TEXT

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended to read as follows:

Part 0 - COMMISSION ORGANIZATION

1. The authority citation for Part 0 will read as follows:

AUTHORITY: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. Sections 155, 225, unless otherwise noted.

2. Section 0.467 is amended by revising paragraph (a) to read as follows:

* * * * *

Section 0.467 Search and Review Fees

(a)(1) * * * The fee is based on the grade level of the employee(s) who conduct(s) the search or review, as specified in the following schedule:

Grade	Hourly Fee
GS-1	13.43
GS-2	14.62
GS-3	16.48
GS-4	18.49
GS-5	20.69
GS-6	23.06
GS-7	25.63
GS-8	28.38
GS-9	31.36
GS-10	34.52
GS-11	37.93
GS-12	45.47
GS-13	54.06
GS-14	63.89
GS-15	75.14

Note: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a)(1) of this section were computed at Step 5 of each grade level based on the General Schedule effective January 2008 and include 20 percent for personnel benefits.

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