



Federal Communications Commission
Washington, D.C. 20554

October 16, 2017

DA 17-1012

Mr. Jarrod Sharp
19539 Wootton Ave.
Poolesville, MD 20837

Re: FOIA Control No. 2018-000028 (Appeal);
FOIA Control No. 2018-000005 (Initial Decision)

Dear Mr. Sharp:

We have received your application for review¹ of the Office of General Counsel's decision² addressing your Freedom of Information Act (FOIA) request (*FOIA Request*) seeking "a copy of Chairman Pai's Statement on DC Circuit Title II Rehearing, the FCC self[-]described 'May 2017 proposal to roll back the prior Administration's heavy-handed Internet regulation,' the 2015 Open Internet Order, the 2017 Notice of Proposed Rulemaking demonstrating the FCC's desire to rescind Net Neutrality, and the FCC OGC's legal analysis of said Notice."³ In the *FOIA Initial Decision*, the Office of General Counsel (OGC) provided you with a copy of the Chairman's statement concerning the decision by the United States Court of Appeals for the District of Columbia Circuit and noted that the other records you requested were covered by OGC's responses to your earlier FOIA requests. As explained below, we dismiss your application for review.

The entirety of your appeal of the *FOIA Initial Decision* is as follows:

"I hereby appeal this FOIA denial because it is not compliant with the FOIA, the FOIA Improvement Act of 2016, and FCC regulations. Very truly yours,
Jarrod Sharp"⁴

Apart from your general references to the FOIA, the FOIA Improvement Act of 2016, and the Commission's regulations, you do not elaborate on the reason for your appeal or how you believe the Commission erred in responding to your request. You

¹ See *FOIA Decision Appeal* (FOIA Control Number 2018-000028; submitted: Oct. 10, 2017).

² See letter from Elizabeth Lyle, Assistant General Counsel, Office of General Counsel, FCC, to Jarrod Sharp (Oct. 10, 2017) (*FOIA Initial Decision*).

³ See *FOIA Request* (submitted and perfected October 2, 2017); see also *Protecting and Promoting the Open Internet, Report and Order on Remand, Declaratory Ruling, and Order*, 30 FCC Rcd 5601 (2015) (*Open Internet Order*); see also *Restoring Internet Freedom, Notice of Proposed Rulemaking*, 32 FCC Rcd 4434 (2017) (*Notice of Proposed Rulemaking*).

⁴ See *FOIA Decision Appeal*.

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have not presented any argument upon which you request that the Commission rule. Therefore, we dismiss your application for review under section 0.251(j) of the Commission's rules for failure to articulate specific grounds for review.⁵

Pursuant to 5 U.S.C. § 552(a)(6)(A)(ii), we notify you of the provisions for judicial review under paragraph (a)(4) of the Freedom of Information Act.⁶ We note that as part of the Open Government Act of 2007, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

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,

Nicholas Degani
Acting General Counsel
Office of General Counsel

cc: FOIA Officer

⁵ See 47 C.F.R. § 0.251(j) (as the Commission's Chief FOIA Officer, "the General Counsel is delegated authority to dismiss FOIA applications for review that are untimely, repetitious, or fail to articulate specific grounds for review").

⁶ See 5 U.S.C. § 552(a)(4)(B) ("On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.")