



Federal Communications Commission
Washington, D.C. 20554

March 15, 2018

DA 18-258

Jarrod Sharp
[Address Redacted]

Re: FOIA Control No. 2018-066

Mr. Sharp:

On November 27, 2017, you appealed the denial of your Freedom of Information Act (FOIA) request, FOIA Control No. 2018-066.¹ By this letter, we dismiss your appeal.

On October 22, 2017, you filed a FOIA request with the Commission, seeking copies of Commission FOIA response template letters. This request was assigned FOIA Control No. 2018-066. The Commission responded to your FOIA request, stating that the requested records were withheld in full under applicable FOIA exemptions.² You immediately appealed this response, stating that “responsive records must be redacted in part and not completely withheld as was done here.”³ You did not elaborate on how or why you believe the Commission erred in withholding these records in full. Nonetheless, staff in the Office of General Counsel contacted you to provide additional explanation as to why the records were withheld and why they could not be released in part.⁴ This supplemental explanation cited to relevant case law and provided further reasoning as to why you had not been provided with the requested documents.⁵ Rather than provide any argument or authority supporting your position, you merely answered that the cited reasoning and case law was “not worthy of a response.”⁶ Thus, despite the attempts by staff in the Office of General Counsel to determine the grounds behind your appeal, you refuse to articulate your reasoning with any specificity.

¹ E-mail from Jarrod Sharp to FOIA-Appeal@fcc.gov (Nov. 27, 2017).

² Letter from Elizabeth Lyle, Assistant General Counsel, Federal Communications Commission, to Jarrod Sharp (Nov. 27, 2017).

³ Your appeal also cites to the requirement that agencies only withhold information if “the agency reasonably foresees that disclosure would harm an interest protected by an exemption.” However, given that Commission staff provided such an explanation in the initial response letter, it is unclear what claim you are attempting to raise here.

⁴ E-mail from Ryan Yates, Attorney Advisor, Federal Communications Commission, to Jarrod Sharp (Feb. 1, 2018).

⁵ *Id.*

⁶ E-mail from Jarrod Sharp to Ryan Yates, Attorney Advisor, Federal Communications Commission (Feb. 1, 2018).

Given the above, we conclude that you have not raised any material issues with the denial of your FOIA request that would merit review by the Commission. For these reasons, we dismiss your application for review under section 0.251(j) of the Commission's rules for failing to articulate specific grounds for review.⁷

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.⁸ 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,

Thomas M. Johnson, Jr.
General Counsel
Office of General Counsel

cc: FOIA Officer

⁷ 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").

⁸ 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.")