



Federal Communications Commission
Washington, D.C. 20554

May 23, 2018

DA 18-545

Mr. James Chelmowski
6650 N. Northwest Hwy
Chicago, IL 60631
jchelmowski@comcast.net

Re: FOIA Control No. 2018-337

Dear Mr. Chelmowski:

This is in response to your application for review¹ of the Office of General Counsel's (OGC) response² to your Freedom of Information Act (FOIA) request, FOIA Control No. 2018-337. By this letter, we dismiss your application for review for failing to raise grounds meriting Commission review.

The only argument in your appeal that is recognized under the FOIA is that the Commission did not conduct an adequate search.³ On March 26, 2018, Commission staff contacted you and offered to perform a supplemental search if you would provide additional information on what records you were seeking.⁴ To date, you have not responded to this offer. As Commission staff essentially have agreed to give you what you seek in your appeal, there are no arguments left that warrant Commission review, and your appeal is dismissed accordingly.

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.⁵ 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

¹ See E-mail from James Chelmowski to FOIA-Appeal@fcc.gov (March 26, 2018) (*Appeal*).

² Letter from Elizabeth Lyle, Assistant General Counsel, Federal Communications Commission, to James Chelmowski (Feb. 20, 2018).

³ *Appeal* at 6-7.

⁴ E-mail from Ryan Yates, Attorney Advisor, Federal Communications Commission, to James Chelmowski (March 26, 2018).

⁵ 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.")

Mr. James Chelmowski
Page

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