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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
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WASHINGTON LEGAL FOUNDATION )  
 ) FOIA Control No. 97-114  
Application for Review of Denial of )  
Request for Waiver or Reduction of )  
Fees in Connection with Its Request )  
for Inspection of Records )

MEMORANDUM OPINION AND ORDER

Adopted: October 7, 1998; Released: October 14, 1998

By the Commission:

1. The Commission has under consideration an application for review filed June 12, 1998, by the Washington Legal Foundation (WLF) of the decision of the General Counsel denying its request for a waiver or reduction of the fees incurred in processing WLF's Freedom of Information Act (FOIA) request for Commission documents concerning alcohol beverage advertising. We affirm the General Counsel's decision.

2. WLF's FOIA request contained a request for waiver of fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), which provides that FOIA fees should be waived or reduced "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." See also 47 C.F.R. § 0.470(e). By letter dated April 21, 1997, the General Counsel denied the waiver request on the grounds that it failed to meet the FOIA's requirements because WLF failed to explain with reasonable specificity the public interest to be served by disclosure; failed to demonstrate its ability to disseminate the documents to the public; and failed to show that release of the requested information was not primarily in its commercial interest.<sup>1</sup>

3. WLF sought reconsideration of the denial of its fee waiver request. The General Counsel denied that request because WLF failed to demonstrate that disclosure of the requested information

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<sup>1</sup> Letter of April 21, 1997, from General Counsel William E. Kennard to Daniel J. Popeo and Paul D. Kamenar, counsel for WLF.

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could significantly contribute to the public's understanding of the FCC's operations and activities as required by the FOIA.<sup>2</sup>

4. WLF's application for review generally asserts that the denial of its fee waiver or reduction request is based on an "unduly narrow reading" of this statutory requirement. We disagree. WLF's arguments were fully considered and properly rejected by the General Counsel. The application for review presents no issue of law, fact, or policy which merit further Commission consideration.

5. Therefore, IT IS ORDERED that WLF's Application for Review is DENIED. Judicial review of this action may be sought pursuant to 5 U.S.C. § 552(a)(4)(B).

6. The Officials responsible for this action are the following Commissioners: Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell, and Tristani.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas  
Secretary

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<sup>2</sup> Letter of May 13, 1998, from General Counsel Christopher J. Wright to Daniel J. Popeo and Paul D. Kamenar, counsel for WLF.