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Description of document:	List of closed Federal Communications Commission (FCC) Inspector General (OIG) investigations for calendar years 2018 and 2019
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Source of document:	Freedom of Information Act Request Federal Communications Commission Inspector General 445 12th Street, S.W., Room 1-A836 Washington, D.C. 20554

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Federal Communications Commission
Washington, D.C. 20554

March 12, 2020

Re: FOIA Control No. 2020-000349

This letter responds to your Freedom of Information Act (FOIA) request for a list of closed FCC Office of Inspector General (OIG) investigations for calendar years 2018 and 2019.

The enclosed spreadsheets are printouts from our Case Management System for calendar years 2018 and 2019. As indicated on the spreadsheets, the names and individuals subject to investigation have been redacted pursuant to FOIA exemptions 6 and 7(C).¹ Additionally, please be advised a portion of records maintained by FCC OIG are protected from disclosure by a seal issued by United States District Court, District of South Dakota, Southern Division.

FOIA Exemption 6 protects "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."² Balancing the public's right to disclosure against the individual's right to privacy, we have determined release of this information would constitute a clearly unwarranted invasion of personal privacy. The redacted information includes the names and personally identifying information of individuals who were the subjects of an investigation, as well as the names and personally identifying information of investigators. We have determined it is reasonably foreseeable disclosure would harm the privacy interest of the persons mentioned in these records, which Exemption 6 is intended to protect.

FOIA Exemption 7(C) protects "records or information compiled for law enforcement purposes [the production of which] could reasonably be expected to constitute an unwarranted invasion of personal privacy."³ Balancing the public's right to disclosure against the individual's right to privacy, we have determined release of this information would constitute an unwarranted invasion of personal privacy. The redacted information includes the names and personally identifying information of individuals who were/are employed at this agency, as well as the names and personally identifying information of individuals subject to investigation. These names were compiled during the course of an investigation and in instances such as this, the balance favors not releasing these names. We have determined it is reasonably foreseeable disclosure would harm the FCC OIG or the Federal government's law enforcement activities, which Exemption 7 is intended to protect.

¹ 5 U.S.C. § 552(b)(6), 7(C).

² 5 U.S.C. § 552(b)(6).

³ 5 U.S.C. § 552(b)(7)(C).

The FOIA requires that “any reasonably segregable portion of a record” must be released after appropriate application of the Act’s exemptions.⁴ However, when nonexempt information is “inextricably intertwined” with exempt information, reasonable segregation is not possible.⁵ The redactions and/or withholdings made are consistent with our responsibility to determine if any segregable portions can be released. To the extent non-exempt material is not released, it is inextricably intertwined with exempt material.

We also reviewed the responsive documents to determine if discretionary release is appropriate.⁶ The materials protected from disclosure under Exemption 6 are not appropriate for discretionary release in light of the personal privacy interests involved. The materials protected from disclosure under Exemption 7 are not appropriate for discretionary release in light of the law enforcement sensitivities involved. The portion of records maintained by FCC OIG that are protected from disclosure by a seal issued by United States District Court, District of South Dakota, Southern Division are unable to be released.

We are required by both the FOIA and the Commission’s own rules to charge requesters certain fees associated with the costs of searching for, reviewing, and duplicating the sought after information.⁷ To calculate the appropriate fee, requesters are classified as: (1) commercial use requesters; (2) educational requesters, non-commercial scientific organizations, or representatives of the news media; or (3) all other requesters.⁸

Pursuant to section 0.466(a)(8) of the Commission’s rules, you have been classified for fee purposes as category (3), “all other requesters.”⁹ As an “all other requester,” the Commission assesses charges to recover the full, reasonable direct cost of searching for and reproducing records that are responsive to the request; however, you are entitled to be furnished with the first 100 pages of reproduction and the first two hours of search time without charge under section 0.470(a)(3)(i) of the Commission’s rules.¹⁰ The production did not involve more than 100 pages of duplication and took less than two hours of search time. Therefore, you will not be charged any fees.

You may seek review by filing an application for review with the Office of General Counsel. An application for review must be *received* by the Commission within 90 calendar days of the date of this letter.¹¹ You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 445 12th St SW, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to FOIA-Appeal@fcc.gov. Please caption the envelope (or subject line, if via e-mail) and the application itself as “Review of Freedom of Information Action.”

⁴ 5 U.S.C. § 552(b) (sentence immediately following exemptions).

⁵ *Mead Data Cent. Inc. v. Dep’t of the Air Force*, 566 F.2d 242, 260 (D.C. Cir. 1977).

⁶ See President’s Memorandum for the Heads of Executive Departments and Agencies, Freedom of Information Act, 74 Fed. Reg. 4683 (2009).

⁷ See 5 U.S.C. § 552(a)(4)(A), 47 C.F.R. § 0.470.

⁸ 47 C.F.R. § 0.470.

⁹ 47 C.F.R. § 0.466(a)(8).

¹⁰ 47 C.F.R. § 0.470(a)(3)(i).

¹¹ 47 C.F.R. §§ 0.461(j), 1.115; 47 C.F.R. § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission's FOIA Public Liaison for assistance at:

FOIA Public Liaison
Federal Communications Commission, Office of the Managing Director, Performance
Evaluation and Records Management
445 12th St SW, Washington, DC 20554
202-418-0440
FOIA-Public-Liaison@fcc.gov

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

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,

A handwritten signature in black ink, appearing to read "Sharon R. Diskin". The signature is fluid and cursive, with a long horizontal line extending from the left side.

Sharon R. Diskin
Assistant Inspector General-Investigations

Enclosures
cc: FCC FOIA Office

Federal Communications Commission Office of Inspector General

FOIA Report for All Cases in All States
between 01/01/2018 and 12/31/2018

CASE NUMBER	CASE TITLE	PROGRAM	STATE	CLOSING DATE
OIG-X-12-0039	TELSEVEN	External	District of Columbia	5/2/2018
OIG-LI-12-0040	LOW INCOME CASE A (GJ)	Low Income	District of Columbia	5/2/2018
OIG-AU-12-0060	NEWMAN BROADCASTING	Auctions	Florida	9/11/2018
OIG-E-12-0101	(b) (6), (b) - E-RATE SOLUTIONS GROUP	E-Rate	New Jersey	3/6/2018
OIG-E-12-0103	BROKEN ARROW PUBLIC SCHOOL DISTRICT	E-Rate	Oklahoma	3/6/2018
OIG-X-13-0016	VITELITY	External	District of Columbia	5/2/2018
OIG-E-13-0019	NEW HOPE TECHNOLOGY FOUNDATION	E-Rate	District of Columbia	9/24/2018
OIG-E-13-0023	THE VARNETT SCHOOLS, INC.	E-Rate	Texas	10/10/2018
OIG-E-14-0006	XERIOM - ARIZONA SCHOOLS	E-Rate	Arizona	6/8/2018
OIG-X-14-0009	VIRTELA TECHNOLOGY SERVICES INCORPORATED	External	District of Columbia	5/2/2018
OIG-RH-14-0036	NETWORK SERVICES SOLUTIONS RHCP	Rural Healthcare	Florida	9/13/2018
OIG-E-15-0002	WINDSTREAM - OKLAHOMA CONTRACTS	E-Rate	Oklahoma	9/19/2018
OIG-E-16-0004	PINE COVE CONSULTING	E-Rate	District of Columbia	10/30/2018
OIG-E-16-0015	RIO GRANDE CITY CONSOLIDATED ISD	E-Rate	Texas	9/19/2018
OIG-I-17-0011	ELECTRONIC COMMENT FILING SYSTEM (ECFS) DDOS ATTACK	Internal	District of Columbia	8/21/2018
OIG-E-17-0012	[REDACTED]	E-Rate	South Dakota	3/6/2018
OIG-I-18-0006	SINCLAIR BROADCAST GROUP	Internal	District of Columbia	9/4/2018
OIG-E-18-0008	EAST ST. LOUIS SCHOOL DISTRICT 189	E-Rate	Illinois	5/1/2018
OIG-LI-18-0010	CELLSPAN	Low Income	Texas	9/4/2018
OIG-LI-18-0011	TERRACOM	Low Income	Oklahoma	5/1/2018
OIG-X-18-0012	CAPITAL CAFE	External	District of Columbia	9/10/2018
OIG-E-18-0013	CYPRESS-FAIRBANKS INDEPENDENT SCHOOL DISTRICT	E-Rate	Texas	4/5/2018
OIG-I-18-0022	MISSING SPECTRUM ANALYZER	Internal	Georgia	9/10/2018
OIG-I-18-0025	ALLEGATIONS OF TIME AND ATTENDANCE ABUSE (b)	Internal	District of Columbia	9/19/2018
OIG-E-19-0003	(b) (6), (b) (7)(C) (6)	E-Rate	California	12/11/2018

Date Report Run: Wednesday, May 29, 2019

Federal Communications Commission Office of Inspector General

FOIA Report for All Cases in All States
between 01/01/2019 and 12/31/2019

CASE NUMBER	CASE TITLE	PROGRAM	STATE	CLOSING DATE
OIG-LI-12-0047	YOURTEL AMERICA, INC.	Low Income	Missouri	9/25/2019
OIG-E-12-0048	ABLE INFORMATION TECHNOLOGIES, INC. AND STRATEGIC TECHNOLOGY COMMUNICATIONS, INC.	E-Rate	District of Columbia	3/21/2019
OIG-E-12-0097	HARVEY SCHOOL DISTRICT 152 / DR. COMPUTER	E-Rate	Illinois	3/21/2019
OIG-E-13-0033	BIBLIOTECA AUGUSTO MALARET	E-Rate	Puerto Rico	3/21/2019
OIG-E-13-0039	CELT CORP	E-Rate	Massachusetts	3/21/2019
OIG-E-13-0040	ADELAIDE SANFORD CHARTER SCHOOL	E-Rate	New Jersey	3/21/2019
OIG-E-14-0010	UNITED DATA TECHNOLOGIES	E-Rate	Georgia	3/25/2019
OIG-LI-15-0009	TOTAL CALL MOBILE (TCM)	Low Income	District of Columbia	9/25/2019
OIG-E-15-0015	ENA/SWEETWATER	E-Rate	Tennessee	3/25/2019
OIG-E-16-0002	(b) (6), (b) (7) /TIES	E-Rate	Minnesota	3/21/2019
OIG-LI-16-0003	DESCRIPTIVE ADDRESSES	Low Income	District of Columbia	3/29/2019
OIG-T-17-0008	GLOBAL VRS	TRS	California	9/25/2019
OIG-E-17-0009	HOPi MISSION SCHOOL	E-Rate	Arizona	3/21/2019
OIG-LI-18-0004	TEMPO WIRELESS	Low Income	Georgia	9/25/2019
OIG-I-18-0009	(b) (6), (b) (7)(C)	Internal	District of Columbia	3/29/2019
OIG-LI-18-0014	AMERIMEX	Low Income	Florida	9/25/2019
OIG-LI-18-0015	I-WIRELESS	Low Income	Kentucky	3/29/2019
OIG-E-18-0017	CHARTER SCHOOLS USA	E-Rate	Florida	9/25/2019
OIG-I-18-0019	PROPOSED NEW OFFICE FOR EB HAWAII FIELD AGENT	Internal	Hawaii	3/29/2019
OIG-I-18-0020	FRAUDULENT REQUEST FOR PROPOSAL (RFP)	Internal	District of Columbia	9/25/2019
OIG-I-18-0023	PROCUREMENT CASE	Internal	District of Columbia	9/25/2019
OIG-E-19-0008	YAVAPAI-NAU-ETC	E-Rate	Arizona	9/25/2019

Date Report Run: Thursday, January 9, 2020