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Federal Communications Commission  
Washington, D.C. 20554

April 14, 2021

**VIA ELECTRONIC MAIL**

Re: Freedom of Information Act Request, Control No. FCC-2021-000140

On December 15, 2020, the Federal Communications Commission (FCC or Commission) received your Freedom of Information Act (FOIA) request, which has been designated FCC FOIA Control No. 2021-000140. You requested a “copy of each email containing the phrase ‘SECTION 230’ in the email accounts of each of the following individuals: FCC Chairman Ajit Pai, Commissioner O’Rielly, Commissioner Carr, Acting General Counsel Thomas Johnson, OMR Director Brian Hart, Media Bureau Chief Michelle Carey, and/or Intergovernmental Affairs Office Chief Greg Cooke. Please include To, From and cc emails. This request is limited to the time period November 1, through November 30, 2020. Please omit news clips and trade industry bulletins from the scope of this request.”<sup>1</sup> We are responding to your request electronically.

In furtherance of your request Commission staff searched for records that were responsive to your request, locating approximately 398 pages. Of these records, 40 pages have been withheld in full, and portions of the remaining records have been redacted, for the reasons discussed below.

The above-mentioned 40 pages of records were withheld, and a portion of other records were redacted, under FOIA Exemption 5.<sup>2</sup> Exemption 5 protects certain inter-agency and intra-agency records that are normally considered privileged in the civil discovery context. Exemption 5 encompasses a deliberative process privilege intended to “prevent injury to the quality of agency decisions.”<sup>3</sup> To fall within the scope of this privilege the agency records must be both predecisional and deliberative.<sup>4</sup> Predecisional records must have been “prepared in order to

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<sup>1</sup> FCC FOIA Control No. 2021-000140 (Submitted Dec. 15, 2020) (Internal quotations omitted).

<sup>2</sup> 5 U.S.C. § 552(b)(5).

<sup>3</sup> *NLRB v. Sears Roebuck & Co.*, 421 U.S. 132, 151 (1975).

<sup>4</sup> *Id.* at 151-52.

assist an agency decision maker in arriving at his decision.”<sup>5</sup> Deliberative records must be such that their disclosure “would expose an agency’s decisionmaking process in such a way as to discourage candid discussion within the agency and thereby undermine the agency’s ability to perform its functions.”<sup>6</sup>

In this case, materials related to the FCC’s decisionmaking process regarding how to respond to media and Congressional requests related to Section 230 as well as other related internal discussions have either been withheld or redacted. Similarly, draft press releases, speeches, and website postings, as well as Congressional and media briefing materials have been withheld in their entirety. We find the redacted or withheld material is the type which Exemption 5 is intended to protect and because of the reasonably foreseeable harm to agency decisionmaking process, we decline to make a discretionary release in this instance.

Additional information was redacted under FOIA Exemption 6.<sup>7</sup> Exemption 6 protects “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” Balancing the public’s right to disclosure against the individual’s right to privacy, we have determined that release of this information would constitute a clearly unwarranted invasion of personal privacy.

In this case, we have redacted personal email addresses, phone numbers, and other identifying information about family members of FCC Commissioners and family members of other FCC employees. Passcodes and login identification numbers for audio and video calls have also been redacted. This information is unrelated to the subject of the FOIA request and is not appropriate for discretionary release considering the personal privacy interests involved.

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.<sup>8</sup> 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.<sup>9</sup>

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<sup>5</sup> *Formaldehyde Inst. v. Dep’t of Health and Human Servs.*, 889 F.2d 1118, 1122 (D.C. Cir. 1989); *see also Coastal States Gas Corp. v. Dep’t of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980) (“In deciding whether a document should be protected by the privilege we look to whether the document is . . . generated before the adoption of an agency policy and whether . . . it reflects the give-and-take of the consultative process. The exemption thus covers recommendations, draft documents, proposals, suggestions, and other subjective documents . . .”).

<sup>6</sup> *Formaldehyde Inst.*, 889 F.2d at 1122 (quoting *Dudman Commc’ns Corp. v. Dep’t of the Air Force*, 815 F.2d 1565, 1568 (D.C. Cir. 1987)).

<sup>7</sup> 5 U.S.C. § 552(b)(6).

<sup>8</sup> *See* 5 U.S.C. § 552(a)(4)(A); 47 CFR § 0.470.

<sup>9</sup> 47 CFR § 0.470.

Pursuant to section 0.466(a)(8) of the Commission's rules, you have been classified for fee purposes under category (3) as an "all other requester."<sup>10</sup> 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.<sup>11</sup> The production in response to your request required less than two hours of search time, and was provided in electronic form. Therefore, you will not be charged any fees.

If you consider this to be a denial of your FOIA request, 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.<sup>12</sup> You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 45 L Street NE, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to [FOIA-Appeal@fcc.gov](mailto: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."

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:

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Federal Communications Commission  
Office of the Managing Director  
Performance Evaluation and Records Management  
45 L Street NE, Washington, DC 20554  
202-418-0440  
[FOIA-Public-Liaison@fcc.gov](mailto: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

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<sup>10</sup> 47 CFR § 0.466(a)(8).

<sup>11</sup> 47 CFR § 0.470(a)(3)(i).

<sup>12</sup> 47 CFR §§ 0.461(j), 1.115; 47 CFR § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).



877-684-6448

[ogis@nara.gov](mailto:ogis@nara.gov)

<https://www.archives.gov/ogis>

If you have any questions regarding this response, please contact Brendan McTaggart in the Office of General Counsel at [brendan.mctaggart@fcc.gov](mailto:brendan.mctaggart@fcc.gov).

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Lyle". The script is cursive and fluid.

Elizabeth Lyle  
Assistant General Counsel

Enclosures

cc: FOIA Office, FCC

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**Subject:** 2020.11.23 - Gray Amicus Brief - Merits Stage.pdf  
**Date:** Monday, November 23, 2020 12:43:42 PM  
**Attachments:** [2020.11.23 - Gray Amicus Brief - Merits Stage.pdf](#)

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This time WITH the dang attachment!

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Sent from my iPhone, so please excuse all bizarre typos.

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Nos. 19-1231 & 19-1241

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IN THE  
**Supreme Court of the United States**

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FEDERAL COMMUNICATIONS COMMISSION, ET AL.,  
*Petitioners,*

v.

PROMETHEUS RADIO PROJECT, ET AL.,  
*Respondents.*

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NATIONAL ASSOCIATION OF BROADCASTERS, ET AL.,  
*Petitioners,*

v.

PROMETHEUS RADIO PROJECT, ET AL.,  
*Respondents.*

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**On Writs of Certiorari to the  
United States Court of Appeals for the Third Circuit**

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**BRIEF OF GRAY TELEVISION, INC. AS *AMICUS*  
*CURIAE* IN SUPPORT OF PETITIONERS**

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## STATEMENT OF INTEREST<sup>1</sup>

Gray Television, Inc. (“Gray”) is a national television broadcast company headquartered in Atlanta, Georgia. Gray owns or operates 169 television stations that collectively reach approximately 24% of U.S. television households in 94 Designated Market Areas, as defined by The Nielsen Company. While Gray owns stations in markets as large as Tampa, Florida (Designated Market Area #12 of 210), its stations are primarily concentrated in small and mid-sized markets across the country, with the majority in markets with fewer than 500,000 television households.

Gray has a substantial interest in this case because, as a national broadcast company, its business is governed by the media ownership regulations promulgated by the Federal Communications Commission (“FCC”). Gray has advocated for relief from the FCC’s outdated ownership rules for a decade. In comments and *ex parte* letters, Gray has repeatedly explained to the FCC why permitting duopolies in small and mid-sized markets would improve service to the public and help stations maintain their financial health in an environment of accelerating competition. Gray raised these same points in comments it

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<sup>1</sup> No counsel for a party authored this brief in whole or in part, and no person other than amicus or its counsel made a monetary contribution to this brief’s preparation and submission. All parties consented to this filing. Undersigned counsel previously represented Cox Media Group (“CMG”), a broadcaster and an intervenor below and, by default, initially a respondent here. CMG did not participate on the merits below and informed this Court and all counsel of record that it will not participate in this case. Undersigned counsel does not currently represent CMG in this case.

submitted in the FCC proceeding that generated the 2017 revisions to station ownership rules, which were reversed by the decision of the U.S. Court of Appeals for the Third Circuit below.

Gray also has an interest in the case because it is directly affected by the decades-old ownership rules that the FCC seeks to modernize, but that were effectively reinstated by the Third Circuit's decision. Those obsolete rules directly impede Gray's business strategy for competing in today's media environment, which is to acquire leading television stations in small and mid-sized markets, improve and expand their local news and community programming, and then acquire a second station in those markets to obtain greater local scale and spread costs among multiple stations. Gray's experience provides a perspective that will aid the Court's analysis in reviewing the Third Circuit's decision in this case.

### SUMMARY OF ARGUMENT

Section 202(h) of the Telecommunications Act of 1996 requires that the FCC review its regulations concerning the ownership of broadcast television stations every four years and repeal or modify any that do not serve the public interest "as the result of competition." Pub. L. No. 104-104, § 202(h), 110 Stat. 56, 111–12 (1996), *as amended by* Pub. L. No. 108-199, § 629, 118 Stat. 3, 99–100 (2004), *codified at* 47 U.S.C. § 303 note. As the statute's text, structure, purpose, and history establish, Section 202(h) directs that the effects of "competition" must be the primary consideration for the FCC's review.

The FCC followed that clear mandate to consider competition as the foundational consideration during its 2017 modernization of its decades-old ownership rules. But the Third Circuit vacated those updated rules because it found that the FCC did not sufficiently consider a different policy consideration—namely, diversity in who owns broadcast stations. The Third Circuit’s decision below—which reinstates the FCC’s outdated rules that are no longer in the public interest as a result of competition—contravenes Section 202(h)’s text, structure, purpose, and history and should not be permitted to stand.

The decision below also harms small and mid-sized communities around the nation by depriving them of the benefits of the FCC’s modernized rules. In an era when low-cost digital news sources undercut local journalism, these communities require substantial investment in order to receive high-quality local news and community programming. The FCC’s updated rules would facilitate that investment, as Gray’s business model and experience in developing and delivering award-winning local news and community programming illustrate. The FCC’s much-needed modernized broadcast ownership rules should, at long last, be allowed to take effect.

### ARGUMENT

Since the dawn of broadcasting in the 1930s, the FCC has sought to limit the ownership of television stations that broadcasters can own on the national and local levels. *See In the Matter of Amendment of Section 73.3613 of the Commission’s Rules Regarding Filing of Contracts—Modernization of Media*



*Regulation Initiative*, 33 FCC Rcd. 10381 (2018). In creating and maintaining these restrictions, the FCC reasoned that structural ownership limitations were necessary to preserve competition, localism, and diversity of ownership in local television markets. *In the Matter of 2014 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 29 FCC Rcd. 4371, 4377, ¶ 14 (2014) (“The media ownership rules have consistently been found to be necessary to further the Commission’s longstanding policy goals of fostering competition, localism, and diversity.”).

Recognizing the FCC’s regulations could become outdated as competition affected market conditions, however, Congress directed the FCC to review and update its regulations regularly based on competition. Section 202(h) of the Telecommunications Act of 1996 provides that the FCC “shall” review its ownership rules quadrennially, “shall determine whether any of such rules are necessary in the public interest as the result of competition,” and “shall repeal or modify any regulation it determines to be no longer in the public interest.” 47 U.S.C. § 303 note.

That statutory command places prime emphasis on updating regulations in light of competition—a consideration that prompted the FCC to take action in the rulemaking at issue here to modernize broadcast ownership restrictions that are no longer warranted based on current market conditions. The Third Circuit’s decision vacating the FCC’s order and reinstating the prior ownership restrictions frustrates Congress’s directive that regulations outmoded “as the

result of competition” should not remain in place. *See id.* And the Third Circuit’s decision produces harmful consequences by preventing the FCC from implementing a much-needed modernization of its broadcast ownership rules that would permit companies like Gray to continue serving the public interest by offering high quality local news products. The Third Circuit’s decision is erroneous and should be reversed.

**I. Properly Construed, Section 202(h) Directs The FCC To Modernize Ownership Rules Regularly Based On Competition.**

In loosening broadcast ownership restrictions, the FCC took action that was consistent with—and indeed required by—the statute that triggered the rulemaking: Section 202(h) of the Telecommunications Act of 1996. Specifically, the FCC balanced multiple policy goals and found that its 2017 changes were necessary in part to provide media companies “a greater opportunity to compete and thrive in the vibrant and fast-changing media marketplace.” *In the Matter of 2014 Quadrennial Regulatory Review—Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 32 FCC Rcd. 9802, 9803, ¶ 1 (2017) (“Reconsideration Order”). Section 202(h)’s text, context, purpose, and legislative history support the FCC’s analysis because they demonstrate that Congress enacted the statute to ensure that the FCC regularly modernized its ownership rules and, in doing so, considered “competition” as the principal factor animating its review. 47 U.S.C. § 303 note.

**A. Section 202(h)'s Text Requires The FCC To Consider "Competition."**

"It is axiomatic that [t]he starting point in every case involving construction of a statute is the language itself." *Landreth Timber Co. v. Landreth*, 471 U.S. 681, 685 (1985). Section 202(h) requires that the FCC "shall review . . . all of its ownership rules" every four years "and shall determine whether any of such rules are necessary in the public interest as the result of competition." 47 U.S.C. § 303 note. It also mandates that the FCC "shall repeal or modify any regulation it determines to be no longer in the public interest." *Id.*

The most straightforward reading of Section 202(h) is that it commands the FCC to repeal or modify ownership rules that are no longer necessary as a result of competition in the current media marketplace. As the FCC observed, in adopting Section 202(h), "Congress charged [the FCC] to implement policies that create opportunities for greater competition—both among broadcasters and between broadcasters and other outlets—that would lessen the need for prescriptive ownership regulations." *In the Matter of 2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules*, 18 FCC Rcd. 13620, 13638, ¶ 56 (2003) ("2002 Biennial Review").

To be sure, Section 202(h)'s reference to the "public interest" encompasses several factors, including the FCC's "policy goals of viewpoint diversity, localism, and competition." Reconsideration Order at 9810, ¶ 15. However, Section 202(h) specifically directs the FCC to consider whether a rule

is “in the public interest *as the result of competition*.” 47 U.S.C. § 303 note (emphasis added). Congress’s express statutory reference to “competition,” without calling out any other public interest factor for particular emphasis, elevates that consideration to carry prime importance in the public interest analysis.

That interpretation draws additional force from the “cardinal principle of statutory construction that a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant.” *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (internal quotation marks omitted); *see also, e.g., United States v. Menasche*, 348 U.S. 528, 538–39 (1955) (“It is [the Court’s] duty to give effect, if possible, to every clause and word of a statute.” (internal quotation marks omitted)). Prior to Section 202(h)’s enactment, the FCC had authority to regulate in the public interest and considered competition as one key policy goal. *See, e.g., United States v. Storer Broad. Co.*, 351 U.S. 192, 203 (1956) (noting the FCC “deals with the public interest” and regulates “for public protection with careful provision to assure fair opportunity for open competition”); *F.C.C. v. Sanders Bros. Radio Station*, 309 U.S. 470, 474 (1940) (“[T]he [Communications] Act [of 1934] recognizes that the field of broadcasting is one of free competition.”). Thus, the statutory reference to the “public interest” already included consideration of competition as one factor among several. By additionally and expressly requiring the FCC to evaluate whether ownership restrictions are in the public interest “as the result of competition,” 47 U.S.C. § 303 note, Congress placed paramount weight

on that factor in the public interest analysis the FCC must perform under Section 202(h).

If Section 202(h) were instead interpreted to encompass the FCC's ordinary public interest analysis, the phrase "as the result of competition" would do no work and be rendered superfluous. *See Young v. United Parcel Serv., Inc.*, 575 U.S. 206, 135 S. Ct. 1338, 1352–53 (2015) (rejecting interpretation of phrase in statute that would add "clarity" because it would also render phrase "superfluous"). To give meaning to each word of Section 202(h), the statute is properly interpreted to require the FCC to review and as necessary revise each of its ownership rules with the effect of competition as the central and mandatory public interest concern.

**B. The Statute's Structure and Purpose Reinforce That "Competition" Is Section 202(h)'s Primary Goal.**

The other provisions of Section 202 reinforce that Congress prioritized eliminating outdated regulations and promoting competition when it adopted the Telecommunications Act of 1996. Congress itself removed or relaxed a number of broadcast ownership rules with the clear purpose and effect of increasing competition. *See* Pub. L. No. 104-104, §§ 202(a), (b), (c)(1), (e), (f)(1), (i), 110 Stat. 56, 110–12. For example, Section 202(c)(1) addresses "National Ownership Limits" for television stations and requires the FCC to, among other things, "eliminat[e] the restrictions on the number of television stations that a person or entity may directly or indirectly own, operate, or control, or have a cognizable interest in, nationwide."

47 U.S.C. § 303 note. Another example is Section 202(f)(1), which addresses the “Elimination of Restrictions” in “Cable Cross Ownership” and orders the FCC to “revise . . . its regulations . . . to permit a person or entity to own or control a network of broadcast stations and a cable system.” *Id.* Against the backdrop of these other provisions, Section 202(h) further reflects Congress’s goal to increase competition by directing the FCC to review the ownership rules regularly and modify them considering competition on a going-forward basis. Thus, “[t]he broader statutory context points to the same conclusion the immediate text suggests.” *Wisconsin Cent. Ltd. v. United States*, 138 S. Ct. 2067, 2071 (2018).

Moreover, reading Section 202(h) in the context of the whole act supports that Congress intended “competition” to be the principal focus of the FCC’s quadrennial regulatory review. As stated in its preface, the purpose of the Telecommunications Act of 1996 is “to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.” Preamble, Pub. L. No. 104-104, 110 Stat. 56. In light of this “declared purpose of Congress,” it would be “unacceptable” to construe Section 202(h) as merely requiring the FCC to perform an ordinary public interest analysis and not to recognize competition as the chief consideration. *United States v. Turkette*, 452 U.S. 576, 589 (1981) (finding statute’s “declared purpose” persuasive in determining law’s scope).

**C. Legislative History Corroborates That Congress Intended Section 202(h) To Focus On Competition.**

Congress adopted the Telecommunications Act of 1996 “to provide for a pro-competitive, de-regulatory national policy framework” that would adjust rapidly to the advanced technologies being deployed by private entities by “opening all telecommunications markets to competition.” S. Rep. No. 104-230, at 1–2 (1996); H.R. Rep. No. 104-458, at 113 (1996) (same); *see also* H.R. Rep. No. 104-204, at 55 (1995) (choosing “to depart from the traditional notions of broadcast regulation and to rely more on competitive market forces”). As Congress found, “[i]n a competitive environment, arbitrary limitations on broadcast ownership and blanket prohibitions on mergers or joint ventures between distribution outlets are no longer necessary.” *Id.*

These statements by Congress as to the “purpose and design” of the Telecommunications Act of 1996 serve to “corroborate” the paramount importance of competition to the quadrennial review required by Section 202(h). *Digital Realty Trust, Inc. v. Somers*, 138 S. Ct. 767, 777 (2018). Section 202(h)’s “language and the accompanying legislative history reveal a belief that ‘opening all telecommunications markets to competition’ will best suit a marketplace compris[ing] diverse media platforms and shaped by technological advancement.” Pet. App. 49a–50a (quoting H.R. Rep. No. 104-458 at 113) (Scirica, J., concurring in part and

dissenting in part).<sup>2</sup> The legislative history thus further confirms that competition functions as the paramount concern in the FCC's quadrennial review under Section 202(h).

## **II. The Third Circuit's Decision Erroneously Ignores That Competition Is Section 202(h)'s Primary Consideration.**

In accordance with Section 202(h), the FCC in the Reconsideration Order analyzed whether the broadcast ownership restrictions remained necessary in the public interest as the result of competition and determined that the restrictions should be modified. The FCC's analysis followed the statutory command to evaluate the need for reform based on the effects of competition and to update and modernize the rules in response to changed market conditions. In vacating the Reconsideration Order, the Third Circuit's decision overturned the FCC's work and contravened Congress's directive that the rules "shall" be modified as competition requires to serve the public interest. That decision is erroneous and should not be permitted to stand.

### **A. The FCC Correctly Revised Its Broadcast Ownership Duopoly Rule In Light Of Competition.**

1. Federal law provides the FCC the power to grant broadcast licenses to television stations, with only a limited number of licenses available in any one geographic area. *See* 47 U.S.C. §§ 308, 309; 47 C.F.R.

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<sup>2</sup> References to "Pet. App." are to the petition appendix submitted by Industry Petitioners in docket number 19-1241.



§ 73.622. Each commercial television station in the United States is assigned to a community located in one of 210 Designated Market Areas (“DMAs”) defined by The Nielsen Company. These markets are ranked by size according to the number of television households they contain, with the market having the most ranked 1 (New York City) and the market having the fewest ranked 210 (Glendive, Montana).<sup>3</sup> Each DMA is an exclusive geographic area consisting of all counties (and in some cases, portions of counties) in which the home-market commercial television stations receive the greatest percentage of total viewing hours. *See USA Station Grp. P’ship of Atlanta v. Cmty. Cable Television*, 15 FCC Rcd. 6279, 6279, ¶ 2 (2000).

The Reconsideration Order concerns the FCC’s Local Television Ownership Rule, which limits the number of television stations an entity can own on a

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<sup>3</sup> See The Nielsen Company, *Local Television Market Universe Estimates* (2019–2020), <https://www.nielsen.com/wp-content/uploads/sites/3/2019/09/2019-20-dma-ranker.pdf>. For reference, top-ranked New York City has 6,824,120 television households. The tenth ranked DMA is Atlanta, with 2,269,270 households. The top 27 DMAs have more than 1,000,000 households each. DMAs 28–59 have between 500,000 and 1,000,000 households each. DMAs 60–105 have between 250,000 and 499,999 households each. DMAs 106–164 have between 100,000 and 249,999 households each. And DMAs 165–210 have fewer than 100,000 households each, with Glendive, Montana ranked DMA #210, with 3,630 households.

local basis. *See* 47 C.F.R. § 73.3555.<sup>4</sup> The FCC adopted its first limitation on local television ownership in 1941. Federal Communications Commission, “Part 4—Broadcast Services Other Than Standard Broadcast,” 6 Fed. Reg. 2282, 2284–85 (May 6, 1941) (“1941 FCC Report”). Dubbed the “one to a market” rule, it prohibited a single owner from acquiring more than one full-power television station in any television market. *Id.*

When the “one to a market” rule was adopted, television was in its infancy and radio was by far the more popular form of broadcast media. 1941 FCC Report at 2284–85; *see also Golden Age of Radio in the US*, Digital Public Library of America.<sup>5</sup> Local television stations, radio stations, and newspapers provided the only sources of information and entertainment for the majority of the population. *See* Steven Waldman, *The Information Needs of Communities*, Federal Communications Commission 59–60 (July 2011) (“Waldman”).<sup>6</sup> While television

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<sup>4</sup> In addition, on a national basis, the FCC maintains a cap on the percentage of national television households any single owner of television stations can reach. That rule was not part of the proceeding that led to the Third Circuit’s decision in this case.

<sup>5</sup> Available at <https://dp.la/exhibitions/radio-golden-age/radio-tv>.

<sup>6</sup> Available at <https://www.fcc.gov/sites/default/files/the-information-needs-of-communities-report-july-2011.pdf>.

eventually eclipsed radio in audience and influence, this market structure persisted well into the 1980s. *See Radio News Surpassed by TV in Survey*, N.Y. Times (Sept. 1, 1984).<sup>7</sup>

Since the 1980s, local broadcast television stations have faced an ever-growing onslaught of new competitors. First, cable operators introduced video services that offered dozens, and later hundreds, of new video channels. These niche channels—offering 24/7 sports, movies, or national news programming—began to fragment a video audience that had previously belonged exclusively to broadcasters. Waldman at 105.

Then, beginning in the late 1990s with the advent of high-speed service connections, the Internet began delivering countless channels of information to an increasing number of households. *Id.* at 116. “Surfing the Net” further diminished the pull of local television and, as the Internet matured, websites like YouTube began offering an endless supply of competitive video programming. *Id.* at 118, 164. Since 1980, primetime television ratings have declined more than 70%. *See* Letter from Robert M. McDowell, Counsel to Gray Television, Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-50, *et al.*, at Exhibit A, Slide 9 (June 28, 2017) (“*Ex Parte* Letter”). Because the broadcast television business depends on selling advertising measured by audience size, this decline has irrevocably changed the competitive market in which local television stations operate. *See* U.S.

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<sup>7</sup> Available at <https://www.nytimes.com/1984/09/01/arts/radio-news-surpassed-by-tv-in-survey.html>.

Senate Commerce Committee, *Local Journalism: America's Most Trusted News Sources Threatened* 21 (2020) (“Cantwell Report”) (“The rise of digital advertising has also decreased revenue for radio and television media.”).<sup>8</sup>

2. The “one to a market rule” remained in place for nearly sixty years, until 1999, when the FCC modestly relaxed the rule to allow an entity to own a second television station in a market if: (1) at least one of the stations was not ranked in the top four (the “Top 4 Test”), and (2) at least eight “independent voices”—*i.e.*, independently-owned full-power television stations—remained in the DMA after consummation of the transaction (the “Eight-Voices Test”). *In the Matter of Review of the Commission's Regulations Governing Television Broadcasting*, 14 FCC Rcd. 12903, 12932–33, ¶ 64 (1999). Unless prospective station owners could satisfy these two tests, they were generally prohibited from acquiring a second station in a DMA, a regulatory hurdle that became known as the “Duopoly Rule.”

Under the Duopoly Rule, ownership of more than one station in a television market was limited to markets with at least nine full-power television stations. Because the vast majority of small and mid-sized markets have fewer than nine stations, the 1999 Duopoly Rule perpetuated the prohibition on ownership of two full-power stations in most markets outside the top 50 DMAs. *Id.* at 12935, ¶ 70. Although the Duopoly Rule included a waiver process by which

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<sup>8</sup> Available at [https://www.cantwell.senate.gov/imo/media/doc/Local%20Journalism%20Report%2010.26.20 430pm.pdf](https://www.cantwell.senate.gov/imo/media/doc/Local%20Journalism%20Report%2010.26.20%20430pm.pdf)

a station owner could apply for permission from the FCC to acquire a second station in a DMA, the rule restricted waivers to extremely limited circumstances. *Id.* at 12936–41, ¶¶ 71–87.<sup>9</sup> For station owners concentrating their efforts in small and mid-sized markets, the modest changes to the Duopoly Rule in 1999 made no practical difference, effectively leaving the FCC’s “one to a market” ownership limitations stalled in their 1941 tracks.

3. The Duopoly Rule remained essentially unchanged until 2017, despite the fact that the marketplace for local television service transformed dramatically during this time. In the Reconsideration Order, the FCC finally revised the Duopoly Rule both to eliminate the Eight-Voices Test and to modify the Top 4 Test to permit station owners to apply for permission to own two Top 4 stations in a market. Reconsideration Order at 9831, ¶ 66. In reversing its 2016 decision to retain the Duopoly Rule, the FCC found that the older Rule failed to respond to

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<sup>9</sup> Specifically, the 1999 Duopoly Rule permitted an owner to buy a second station in a DMA if the target station was a “failed” station that had not been in operation due to financial distress for at least four consecutive months immediately prior to the application, or was a debtor in an involuntary bankruptcy or insolvency proceeding at the time of the application. *Id.* at 12936–38, ¶¶ 71–77. In addition, an owner could purchase a second station if the acquisition target was a “failing” station that (1) had an all-day audience share of no more than 4%; (2) had negative cash flow for three consecutive years immediately prior to the application; and (3) consolidation of the two stations would result in tangible and verifiable public interest benefits that outweighed any harm to competition and diversity. *Id.* at 12938–40, ¶¶ 78–82.

marketplace changes and failed properly to credit the “importance of broadcast television stations in their local markets.” *Id.* at 9832, ¶ 69. In particular, the FCC found that marketplace changes and increasing competition justified relaxing the rules to ensure that broadcasters can compete fairly. *Id.* at 9833–34, ¶¶ 71–72. While broadcast television retains a central place in the local video market, the FCC recognized that the public interest does not justify regulation of local broadcast station ownership that would be otherwise unnecessary to promote competition, necessitating that the FCC modify its rules under Section 202(h). *Id.*

With respect to the Eight-Voices Test, the FCC reasoned that retaining the rule was arbitrary because there is nothing magic about the number eight and because prohibiting duopolies in markets with fewer stations “prevents combinations that would likely produce significant public interest benefits.” *Id.* at 9876, ¶ 8 (Appendix B). Moreover, the FCC found that “the Eight-Voices Test denies the public interest benefits produced by common ownership without any evidence of countervailing benefits to competition from preserving the requirement.” *Id.* at 9835–36, ¶ 77. The FCC consequently “repeal[ed] the Eight-Voices Test.” *Id.*

With respect to the Top 4 Test, the FCC found that the potential competitive harms it was originally intended to prevent would not occur in all markets and that “the rule may prohibit combinations that do not present public interest harms or that offer potential public interest benefits that outweigh any potential harms.” *Id.* at 9837, ¶ 79. Accordingly, the FCC

replaced the Top 4 Test with a case-by-case review of proposed transactions to determine whether a Top 4 combination is in the public interest. *Id.*

By making these revisions to the Duopoly Rule in the Reconsideration Order, the FCC implemented Section 202(h)'s mandate to update the ownership rules with a central focus on competition. The Reconsideration Order reflects the FCC's reasoned analysis that marketplace changes had eliminated any justification for the "one to a market" rule in small and mid-sized markets and that it was "in the public interest as the result of competition" to modify that rule. 47 U.S.C. § 303 note.

**B. The Third Circuit Erred In Vacating The FCC's Reconsideration Order.**

As amply demonstrated in Petitioners' opening briefs, the FCC's 2017 modernization of the Duopoly Rule appropriately placed competition in the media marketplace as the foremost concern, and "determined that 'dramatic changes in the marketplace' had rendered several ownership rules unnecessary or ineffective at promoting the public-interest values of competition, localism, and viewpoint diversity." Industry Petitioners' Br. 35–36 (quoting Pet. App. 67a); *see also* FCC Petitioners' Br. 27–32. Indeed, no party disputes "the FCC's core determination that the ownership rules have ceased to serve the 'public interest'" or "identifies any reason to question the FCC's key competitive findings and judgments." Pet. App. 55a (Scirica, J., concurring in part and dissenting in part). Under the proper construction of Section 202(h), those findings amply suffice to sustain the FCC's rule changes.

The Third Circuit, however, departed from the text, structure, purpose, and legislative history of Section 202(h) to vacate the Reconsideration Order because the court found that the FCC did not “g[i]ve a meaningful evaluation of th[e] effect” of “promoting ownership diversity.” *Id.* at 41a.<sup>10</sup> The Third Circuit’s decision improperly overrides Section 202(h)’s mandate by raising one of the many agency policy goals over the primary factor—competition—that Congress expressly directed the FCC to consider.

In vacating the FCC’s order, the Third Circuit reinstated the older version of the Duopoly Rule containing the Eight-Voices and Top 4 Tests—thus effectively reverting the regulatory landscape to 1941 for small and mid-sized markets. That contradicts Congress’s mandate that ownership restrictions no longer necessary as a result of competition “shall” be repealed or modified. This Court should enforce Section 202(h) to permit the FCC’s 2017 rule changes to take effect, thus allowing the FCC to comply with Congress’s directive that it modify its ownership rules in response to the current competitive marketplace.

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<sup>10</sup> As Petitioners’ briefs explain, the Third Circuit improperly substituted its judgment for the FCC’s when evaluating ownership diversity. Industry Petitioners’ Br. 37–46; FCC Petitioners’ Br. 36–43. Gray agrees fully with those arguments and does not repeat them here.



### **III. The Third Circuit's Decision Harms Companies Like Gray, Which Seek To Improve And Expand Local News Coverage Through Increased Investment Allowed By Economies of Scale.**

The Third Circuit's decision hindering the FCC from modernizing its broadcast ownership rules has a serious and negative effect on the development of local news and community programming in small and mid-sized markets. The decision's effect on Gray well illustrates that significant harm and exemplifies the practical problems produced by the Third Circuit's faulty analysis.

Gray's core business strategy depends on leveraging its national scope to acquire leading local television stations in small and mid-sized markets, and then invest in, expand, and modernize those stations' newsgathering and reporting capabilities. When possible, Gray also seeks to acquire a second television station in each local market to take advantage of economies of scale and spread its high fixed costs across two stations. Moreover, by associating the local brand of the leading station in the market with the second-acquired station and promoting Gray's news and community programming across both stations, Gray elevates the profile of the second station and both stations achieve higher ratings than either could on its own. As a result, both stations are better able to compete for advertising revenue against much larger digital platforms.

Gray has achieved great success with this approach, realizing increased revenue and improving local news coverage across the country. But the FCC's

outdated broadcast ownership rules present an enormous obstacle to Gray’s ability to compete in the vastly changed modern media landscape. The consequences of the decision on Gray and other companies demonstrate how the Third Circuit’s decision runs counter to the public interest and further support reversal here.

#### **A. The Economics of Local Television.**

Television station revenue is derived primarily from two sources: (1) local, regional, and national advertising; and (2) retransmission consent fees. *See In the Matter of Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, 32 FCC Rcd. 568, 609, ¶ 103 (2017) (“Video Competition Report”). First, advertising revenue mainly consists of payments for advertisements broadcast by television stations. *See id.* at 616, ¶¶ 120–21. Advertising rates are generally based on the size of the audience generated by a particular program aired on a particular station. *See id.* at 609, ¶ 103. With smaller populations and therefore fewer viewers, smaller markets necessarily generate less advertising revenue than larger markets. Reconsideration Order at 9835–36, ¶ 77.

With ever-increasing competition from digital advertising, television advertising revenue is falling. A recent report issued by U.S. Senate Commerce Committee Ranking Member Maria Cantwell (D-Washington) noted that, “[f]rom 2000–2018, local TV stations’ advertising revenue fell by 40 percent, after accounting for inflation.” Cantwell Report at 21 (citation omitted). And this source of revenue is being further “[w]alloped by COVID-19,” with “local TV

stations experienc[ing] drops of 40-60 percent” in advertising revenue. *Id.* at 49 (citation omitted). Given these market conditions, purchasing or producing the highest rated programming with the largest number of viewers is crucial to the success of small and mid-sized market television stations.

The second major revenue source, retransmission consent fees, consists of payments by multichannel video programming distributors (“MVPDs”)—*e.g.*, cable and satellite television companies—in exchange for a television station’s permission for an MVPD to retransmit the station’s signal to its paying subscribers. Video Competition Report at 618, ¶ 124. Retransmission consent rates are largely driven by affiliation with one of the “Big 4” television networks (ABC, CBS, FOX, and NBC) and, to a lesser extent, the local ratings of an individual television station. Reconsideration Order at 9836, ¶ 77. Because retransmission consent rates are paid on a per-subscriber basis, smaller markets necessarily generate less retransmission consent revenue than larger markets.

The two types of programming most likely to drive a station’s audience ratings higher, and thus increase station revenues, are affiliation with a Big 4 network and building a strong local news brand. Video Competition Report at 614, ¶ 117 (comparing ratings of network-affiliated stations to independent stations); Pew Research Center, *For Local News, Americans Embrace Digital But Still Want Strong Community Connection* 4 (Mar. 26, 2019) (“Pew Report”) (“Local TV stations are turned to most for local news, primarily through the TV set; most other providers

have larger digital share.”)<sup>11</sup>; U.S. Gov’t Accountability Office, GAO-10-369, *Media Programming: Factors Influencing the Availability of Independent Programming in Television and Programming Decisions in Radio* 19–20 (2010).

At the same time, it is resource intensive to purchase Big 4 network programming and to produce local news, requiring substantial capital investment and ongoing operating expenses. *See* Reconsideration Order at 9836, ¶ 77, n.229 (“In particular, the record suggests that local news programming is typically one of the largest operational costs for broadcasters; accordingly, stations may find that common ownership enables them to provide more high-quality local programming, especially in revenue-scarce small and mid-sized markets.”) (citing *Ex Parte* Letter at 3–4, 7–8); *see also* Adam Jacobson, *Retransmission Consent Revenue: An 11% Growth Engine*, Radio+Television Business Report (July 30, 2019).<sup>12</sup> Networks charge local stations substantial programming fees for network affiliation. *Id.* And local news production requires capital spending for facilities and equipment and continued expenses for talent and news production, making such production

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<sup>11</sup> Available at <https://www.journalism.org/2019/03/26/for-local-news-americans-embrace-digital-but-still-want-strong-community-connection/>. While this Pew publication shows declining ratings for local television news in the past year, local news remains more highly rated than non-network, non-news programming.

<sup>12</sup> Available at <https://www.rbr.com/retransmission-consent-revenue-an-11-growth-engine/>.

one of broadcasters' largest operational costs. Reconsideration Order at 9836, ¶ 77.

The challenge of operating a profitable television station in small and mid-sized markets is that the station owner must find a way to afford the expenses of operating a top-rated station despite the fact that the station will necessarily generate smaller revenues than its larger-market counterparts.

#### **B. Gray's Business Strategy.**

Gray's business strategy is to acquire the leading station in a small or mid-sized market and, through heavy investment, expand and improve local news programming in that market. Often the top-rated station in its market—especially in smaller markets—held that position for decades but, because of intense competition for viewers' attention and advertising dollars from multi-billion-dollar digital platforms, the former owner can no longer afford the investments needed for the station to maintain its position. Once Gray acquires the station, it purchases new, state-of-the-art broadcast equipment and modernizes the workforce to increase efficiency and profitability. Gray also expands the station's local news programming, which typically includes hiring more journalists and news producers. With that leading station as a beachhead, Gray acquires a second station in the same market—usually one that is undervalued and underperforming—and invests the resources necessary to transform it into another top station.

Often the second station airs little or no local news programming before Gray acquires it. In these situations, Gray's top station will share its news

resources with the second station, expanding local news available in the market. Gray's top-rated station will heavily promote the availability of expanded news programming on both stations to drive higher ratings. Through this strategy, Gray acquires and converts stations that were providing limited or no news and public affairs programming into local-market news leaders. Gray thereby both improves the stations' profitability and creates an important community resource that was previously lacking.

Gray's strategy has been extremely successful. In 2019, Gray's stations were top-ranked in 68 of the 93 markets in which Gray was then operating and claimed one of the top two spots in 86 of those markets. At a time when local newspapers and radio stations continue to shrink the amount of local news they provide—particularly in small markets—the public services that Gray's stations provide are increasingly critical to viewers' ability to stay informed. *See* Cantwell Report at 7 (“The American public trusts local journalism based on its long history of unbiased reporting, factual accuracy, and its connection to and understanding of the communities it covers.”).

An example of Gray's substantial investments in smaller markets is WCJB TV20, which provides coverage to the Gainesville, Florida DMA and to Marion and Columbia Counties in North Central Florida, located in the Orlando and Jacksonville DMAs, respectively. Gray acquired WCJB in 2017. For decades WCJB has been the dominant market leader in Gainesville, yet soon after acquiring it, Gray invested more than half a million dollars in improving and expanding the station's local news coverage. As a

direct result of those investments, WCJB has (among other things) enlarged its Marion news bureau from 300 to 2,000 square feet, built a state-of-the-art news set with a nine-screen video array behind the anchor desk, and acquired new studio cameras and live-broadcast equipment (including four transmitters, two receivers, and several remote workstations), and an upgraded weather system with new local weather cameras. Gray immediately more than doubled WCJB's ability to conduct live broadcasts, allowing the station to broadcast four live shots in four different locations in one show. WCJB also invested in its staff, hiring an additional live reporter to its morning show team and a reporter for its expanded Marion news bureau, creating new digital executive producer and promotions producer positions, and adding shifts for digital-dedicated producers. WCJB is planning to add one more reporter position in the near future. With Gray's resources, WCJB raised its employees' salaries across the board, including a 20% higher starting pay for new reporters. These improvements allow WCJB to provide a better, more comprehensive local news product, and maintain WCJB's status as a "must-have" on cable and satellite providers because of increased ratings.

Of the many local news operations that Gray has launched or vastly improved following station acquisitions, other examples also stand out:

- Gray acquired two local television stations in Roanoke, Virginia: WDBJ in 2016 and WZBJ in 2018. WDBJ has been the clear market leader for most of its history. In contrast, WZBJ had barely achieved any ratings. Gray was only

able to acquire WZBJ because the FCC relaxed its local ownership rules in the Reconsideration Order. Since those purchases, Gray has added 15 hours per week of local news on WDBJ and 18.5 hours per week on WZBJ, which has turned WZBJ into a true market competitor.

- In 2016, Gray acquired KWCH and KSCW in Wichita, Kansas. KWCH was the unquestioned market leader in Wichita. Meanwhile, Gray was able to acquire KSCW pursuant to a special FCC failing-station waiver. Since then, Gray has added 17.5 hours of local news per week to both stations. The stations have further grown their viewership since Gray purchased them.

Gray's television stations do not just cover the news, they excel in the effort. In 2020, Gray's stations won 49 Regional Edward R. Murrow Awards for excellence in journalism, including two stations—WVLT in Knoxville, Tennessee and KFVS in Cape Girardeau, Missouri—that were recognized for overall excellence in local journalism.<sup>13</sup> In 2019, Gray's stations won 57 Murrow Awards.<sup>14</sup> Also in 2019,

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<sup>13</sup> Gray Television, Inc., *RTDNA Awards 4 Regional Edward R. Murrow Awards to 21 Gray Television Stations*, 1–2 (May 13, 2020), <https://graytv.gcs-web.com/static-files/efff5ea-2162-4755-b44a-a072c808c4f6>.

<sup>14</sup> Gray Television, Inc., *Gray Television's Stations Awarded for Commitment to Excellence in Local Journalism With 57 Regional*



Gray's WCTV in Tallahassee, Florida won the prestigious National Association of Broadcasters Leadership Foundation Service to America Award for coverage of the devastation wrought by Hurricane Maria in Puerto Rico.<sup>15</sup> Gray's investigative journalism initiative, InvestigateTV—in which each of Gray's stations participates—was awarded two national Headliner Awards in 2019, one for reporting on the opioid crisis and another for investigative reporting on the health and environmental effects of nuclear weapons storage.<sup>16</sup> Further, Gray's New Orleans station, WVUE, was honored by the Society of Professional Journalists for its documentaries, investigative reporting, and public service

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*Edward R. Murrow Awards in 23 Gray Markets*, GlobeNewswire (April 24, 2019), <https://www.globenewswire.com/news-release/2019/04/24/1808611/0/en/Gray-Television-s-Stations-Awarded-for-Commitment-to-Excellence-in-Local-Journalism-With-57-Regional-Edward-R-Murrow-Awards-in-23-Gray-Markets.html>.

<sup>15</sup> Gray Washington News Bureau, *Gray Stations Honored at Service to America Awards in DC* (June 12, 2019), <https://www.graydc.com/content/news/Gray-stations-honored-at-Service-to-America-awards-in-DC-511195281.html>.

<sup>16</sup> Gray Television, Inc., *Gray's InvestigateTV Receives Two First Place National Headliner Awards*, GlobeNewswire (April 22, 2019), <https://www.globenewswire.com/news-release/2019/04/22/1807332/0/en/Gray-s-InvestigateTV-Receives-Two-First-Place-National-Headliner-Awards.html>.

journalism.<sup>17</sup> The list of accolades grows annually as Gray continues to invest in and improve local news programming all over the nation.

Gray's commitment to top-flight journalism is recognized by local leaders. For example, on April 15, 2020, Governor Asa Hutchinson of Arkansas wrote to the staff of KAIT-TV in Jonesboro, Arkansas to thank the station for its coverage of a recent tornado. Governor Hutchinson's letter stated, "[b]ecause of your keen understanding of Arkansas' weather patterns and knowledge of your community, you undoubtedly saved lives during last month's tornado that was a direct hit to the City of Jonesboro."<sup>18</sup>

Gray's investments in increasing and improving local news and community programming are made possible through the economies of scale and scope that come from operating a television business that is far larger than any single market. Given the limited revenue potential of the small and mid-sized markets where Gray operates, the company can support such high-quality local journalism only if it is permitted to build scale on both a national and a local basis.

Gray builds national scale by acquiring a large number of stations in a large number of markets. The

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<sup>17</sup> Gray Television, Inc., *WVUE Receives Three Sigma Delta Chi Awards from The Society of Professional Journalists*, 1 (April 29, 2019), <https://gray.tv/uploads/documents/pressreleases/Press%20Release%20re%20SPJ%20Awards.pdf>.

<sup>18</sup> Glen Hale, *Gov. Hutchinson Thanks Region 8 News for Tornado Coverage*, KAIT8 (May 18, 2020), <https://www.kait8.com/2020/05/18/gov-hutchinson-thanks-region-news-tornado-coverage/>.

revenue enables Gray to invest in its stations. As newly acquired stations improve their performance, they fund additional acquisitions, resulting in additional opportunities for Gray to acquire and improve stations across the country. Gray also builds national news scale through maintenance of its Washington News Bureau, which provides relevant national news content to all Gray stations, and InvestigateTV, which produces in-depth investigative journalism addressing matters of national importance and is distributed by Gray stations nationwide.<sup>19</sup> Gray accordingly can spread its national newsgathering costs across its entire station footprint, significantly reducing costs for each individual station.

Gray builds local scale by, where possible, buying more than one television station in a given market. This allows Gray to fund its investment in local service using two or more local or regional revenue streams. Gray also builds local scale by buying stations in adjacent markets and creating regional news bureaus to create content for local stations in multiple markets. Spreading these costs among multiple stations reduces the allocated cost for each station, and the improved quality from these investments

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<sup>19</sup> See Gray Television, Inc., *Gray Announces Opening of Washington, D.C. News Bureau to Deliver Hyper-Local Coverage and Analysis of National Issues*, Cision PR Newswire (Feb. 2, 2015), <https://www.prnewswire.com/news-releases/gray-announces-opening-of-washington-dc-news-bureau-to-deliver-hyper-local-coverage-and-analysis-of-national-issues-300028654.html>; Gray Television, Inc., *supra* note 16 (describing InvestigateTV initiative).

allows Gray's stations to better compete for viewers' attention against much larger digital platforms.

Gray's business strategy advances the significant, recognized public interest in improving local television service, particularly news and public affairs programming. 2002 Biennial Review at 13644, ¶ 79 ("We agree that the airing of local news and public affairs programming by local television stations can serve as a useful measure of a station's effectiveness in serving the needs of its community."). For example, an industry expert appointed by the FCC noted that:

Despite the industry's problems, the best of the local TV stations are still producing high-quality broadcast journalism of tremendous value to the community—while reaching a far broader audience than newspapers in terms of size, diversity, and socio-economic status. It is hard to overstate the importance and value of these broadcasts. During emergencies, the local TV station is often considered to be as vital a part of the local community as the police and fire departments, and despite cutbacks most local TV reporters and managers believe they still are able to excel in the midst of a crisis.

Waldman at 79.

Local news continues to provide the important public service of informing the American citizenry of critical current events, and it remains the most popular way for individuals to access the news. *See*

Pew Report at 4 (“Even as the preference for digital delivery creeps up on that for news via TV, local television stations retain a strong hold in the local news ecosystem. They top the list of nine types of local news providers, with 38% of U.S. adults saying they often get news from a local television station.”); Cantwell Report at 8 (“The balance, integrity, and credibility that local journalism uniquely provides is so important to communities and our nation because it is where Americans get their news.”). That is especially true, for example, during the ongoing COVID-19 pandemic because “[l]ocal television stations [] are experiencing higher viewership during the pandemic” and “have run hundreds of thousands of COVID-19 public service announcements” that “include critical information on how to help prevent [its] spread.” *Id.* at 9.

### **C. The Effect Of The Third Circuit’s Decision On Companies Like Gray.**

Gray has replicated its strategy of improving local news based on economies of scale in dozens of markets across the United States and is eager to execute it in additional markets. Unfortunately, the FCC’s outdated ownership rules, now reinstated by the Third Circuit’s decision, greatly limit Gray’s ability to grow the local scale necessary to continue its investments.

Before the Third Circuit vacated the Reconsideration Order, the FCC’s modernization of the Duopoly Rule was working as intended. For example, in the window of time between the effective

date of the Reconsideration Order and the Third Circuit's decision, Gray completed three transactions:

- In 2018, Gray acquired WFFP-TV (now WZBJ) from Morning Star Broadcasting, LLC. This was Gray's second full-power station in the Roanoke-Lynchburg DMA, which has fewer than eight independently owned stations.
- As part of Gray's merger with Raycom Media in early 2019, the FCC approved Gray's ownership of two Top 4 combinations—in Honolulu, Hawaii and Amarillo, Texas—and the creation of a station combination in Richmond, Virginia, which lacks eight independently owned stations.
- In 2019, Gray acquired Top 4 station KDLT(TV) from Red River Broadcasting in Sioux Falls, South Dakota, Gray's second Top 4 station in that DMA, which was acquired pursuant to the FCC's now-suspended case-by-case review process for Top 4 combinations.

Gray has made substantial investments in those stations, providing viewers in those DMAs with comprehensive local news and public interest coverage. But all of these local station combinations would have violated the older version of the Duopoly Rule that was reinstated by the Third Circuit, and would not have been allowed by the FCC prior to its modernization of that Rule.

The FCC's modernized Duopoly Rule, if permitted to take effect, would allow Gray to implement its business strategy in additional small and mid-sized markets. For example, Gray's acquisition of WCJB in

Gainesville and subsequent investments in that station (as discussed above) secured WCJB's status as a ratings giant. The next logical step for Gray would be to acquire a second station to leverage its investments and build up the second station to provide more local news and community programming. The FCC's revisions to the Duopoly Rule would permit Gray to make further acquisitions in DMAs like Gainesville, thus providing viewers in such small and mid-sized markets the benefits of Gray's investments and its proven track record of improving news and other programming in local communities.

The Third Circuit's decision vacating the FCC's modernized ownership rules harms small and mid-sized communities and the companies like Gray that wish to serve them. That result is not justified under a proper application of Section 202(h). This Court should reverse the Third Circuit's decision and, at long last, allow the FCC's modernization of the Duopoly Rule to take effect.

### CONCLUSION

The Third Circuit's decision should be reversed.

Respectfully submitted,

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*Counsel for Amicus Curiae*

November 23, 2020



**From:** [Vivian Schiller, The Aspen Institute](#)  
**To:** [Brendan Carr](#)  
**Subject:** Aspen Cyber Summit, Dec. 1-3: New Speakers Added. Register Now!  
**Date:** Monday, November 30, 2020 3:19:17 PM

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Register

The **5th annual Aspen Cyber Summit** starts tomorrow, and we have new speakers to announce.

This year's event will run daily from noon to 4 p.m. ET tomorrow, Wednesday, and Thursday and will feature top leaders from Capitol Hill, CISA, Secret Service, NSA, and NGA, as well as senior executives from Facebook, Cloudflare, and more. See below for an updated list.

Our kick-off keynote interview tomorrow will feature former CISA Deputy Director **Matt Travis**, who was removed earlier this month by the Trump administration, in conversation with the *New York Times*' **Kara Swisher**. The two will look back at the 2020 election and the disinformation surrounding it.

For Wednesday's opening keynote, U.S. Secret Service Director **James Murray** will be interviewed by NBC News Justice Correspondent **Pete Williams** about the Secret Service's efforts to combat transnational cybercrime.

Thursday's opening event will feature two top CISOs in the healthcare sector—Johnson & Johnson's **Marene Allison** and Eli Lilly's **Meredith Harper**—in conversation with NPR correspondent **Dina Temple-Raston** to discuss efforts to secure the COVID-19 vaccine development and distribution process.

The Summit will also feature the release of the Aspen Cybersecurity Group's national cybersecurity agenda for the next term, making this the first major event to launch such a proposal. The agenda is centered on five policy areas where the incoming administration and Congress can make measurable progress in the next four years toward building a more resilient digital society.

The 2020 Aspen Cyber Summit is free and open to the public. You can register to attend and learn more by visiting [www.aspenCyberSummit.org](http://www.aspenCyberSummit.org).

Register

The 2020 Aspen Cyber Summit is generously supported by:



*with thanks to SICPA NA & American Gas Association*

**Current and Former Federal and State Government:**

- **Jack Blackhurst**, Executive Director, Air Force Research Lab
- **John Carlin**, Chair, Aspen Cyber & Technology Program
- **John Demers**, Assistant Attorney General for National Security, U.S. Justice Department
- **Dr. Stacey Dixon**, Deputy Director, National Geospatial-Intelligence Agency
- **William Evanina**, Director, National Counterintelligence and Security Center
- **Matt Gorham**, Assistant Director for Cyber, FBI
- **Sue Gordon**, former Principal Deputy Director of National Intelligence
- **Dr. Catherine Marsh**, Director, IARPA
- **James Murray**, Director, US Secret Service
- **Anne Neuberger**, Director, Cybersecurity Directorate, National Security Agency
- **Maria Thompson**, CISO, State of North Carolina

- **Matt Travis**, former Deputy Director, CISA
- **Brandon Wales**, Acting Director, CISA

#### U.S. Congress:

- **Rep. Will Hurd**, Co-chair, Aspen Cyber Group, and Ranking Member, Subcommittee on Intelligence Modernization and Readiness, House Intelligence Committee
- **Rep. Lauren Underwood**, Chair, Subcommittee on Cybersecurity, Infrastructure Protection, and Innovation, House Homeland Security Committee
- **Sen. Mark Warner**, Vice Chair, Senate Intelligence Committee

#### Private Sector:

- **Marene Allison**, CISO, Johnson & Johnson
- **Charles Carmakal**, Senior Vice President & CTO, FireEye
- **Nathaniel Gleicher**, Head of Cybersecurity Policy, Facebook
- **Yasmin Green**, Director of Research and Development, Jigsaw
- **Meredith Harper**, CISO, Eli Lilly
- **Erin Miller**, Vice President of Operations, Space ISAC
- **Joakim Reiter**, External Affairs Chief, Vodafone
- **Diane Rinaldo**, Senior Vice President, Beacon Global Strategies
- **Claire Vishik**, Fellow, Intel
- **Michelle Zatlyn**, Co-founder and COO, Cloudflare

#### Civil Society:

- **Khoo Boon Hui**, Board Member, CyberPeace Institute
- **Joan Donovan**, Research Director, Shorenstein Center on Media, Politics and Public Policy, Harvard Kennedy School
- **Samantha Ravich**, Chair, Center on Cyber and Technology Innovation, Foundation for Defense of Democracies
- **Alex Stamos**, Founder, Stanford Internet Observatory

#### Journalists:

- **Stephanie Mehta**, Editor in Chief, *Fast Company*
- **David Sanger**, Reporter, *New York Times*
- **Kara Swisher**, Host, *New York Times* "Sway"
- **Nicholas Thompson**, Editor in Chief, *WIRED*
- **Dina Temple-Raston**, Correspondent, *NPR*
- **Aruna Viswanatha**, Reporter, *Wall Street Journal*
- **Charlie Warzel**, Writer at Large, *New York Times*

[Aspen Digital](#) empowers policy-makers, civic organizations, companies, and the public to be responsible stewards of technology and media in the service of an informed, just, and equitable world. A program of the Aspen Institute, we shine a light on urgent global issues across cybersecurity, the information ecosystem, emerging technology, the industry talent pipeline, tech and communications policy, and urban innovation. We then turn ideas to action and develop human solutions to these digital challenges.

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This message was sent to **Brendan.Carr@fcc.gov** from **aspendigital@aspeninstitute.org**

Vivian Schiller, The Aspen Institute  
The Aspen Institute  
2000 N Street, NW  
Washington, DC 20037

**From:** [Drema Johnson](#)  
**To:** [Brendan Carr](#); [Will Adams](#); [Benjamin Arden](#); [Joseph Calascione](#)  
**Subject:** FedSoc virtual National Lawyers Convention- Panel Rule of Law  
**Attachments:** [image002.jpg](#)  
[NLC 2020 Confirmation - Carr.pdf](#)

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Hi Hon Brendan Carr,

You are invited to a Zoom webinar

Date Time: Nov 10, 2020 02:00 PM Eastern Time (US and Canada)

Topic: Corporations, Securities & Antitrust and Telecommunications & Electronic Media: Regulating Social Media

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join [https://fedsoc.zoom.us/j/94999075747?tk=--KT2ENFJBRgHa50aMKHt6VnejdxZyIuw\\_g6P1J8PmC0\\_AG\\_EA6s3mP1nE6jv9jjXZi1brnmCJkvJKBwYBMuL-Toev7D2Zronq\\_PdJ-UcfNZmL0AbqLKyrGxVPeTnohOvfwwMShCcbf6K\\_vS5fsVXRtf1ZucbPH6JK5A\\_yvid46XKzzCyOCHe&pwd=Y0dnaUx5NTJEaExwYXRkWWpZWG5PdZ09-3A\\_\\_fedsoc\\_zoom\\_us\\_w\\_94999075747-3Ftk-3D-2DKT2ENFJBRgHa50aMKHt6VnejdxZyIuw-5FG6P1J8PmC0\\_AG\\_EA6s3mP1nE6jv9jjXZi1brnmCJkvJKBwYBMuL-2DToev7D2Zronq-5FPdJ-2DUcfNZmL0AbqLKyrGxVPeTnohOvfwwMShCcbf6K\\_vS5fsVXRtf1ZucbPH6JK5A\\_yvid46XKzzCyOCHe-26pwd-3DY0dnaUx5NTJEaExwYXRkWWpZWG5PdZ09&d=DwMFAg&c=y0h0omCe0jAUGr4gAQ02Fw&r=it-kkUDJim4fMp5wRt2hSKYyd-bSYcRiYnUrCtkXD4&m=pC5azC4UqMiAEhtQne9xxJkoF8--LqGNyyexqM5fFFs&s=V7S9zs1wf0P3rsJem7qLoAdhadTYHsOXQ2-BR7u2brc&e=>](https://fedsoc.zoom.us/j/94999075747?tk=--KT2ENFJBRgHa50aMKHt6VnejdxZyIuw_g6P1J8PmC0_AG_EA6s3mP1nE6jv9jjXZi1brnmCJkvJKBwYBMuL-Toev7D2Zronq_PdJ-UcfNZmL0AbqLKyrGxVPeTnohOvfwwMShCcbf6K_vS5fsVXRtf1ZucbPH6JK5A_yvid46XKzzCyOCHe&pwd=Y0dnaUx5NTJEaExwYXRkWWpZWG5PdZ09-3A__fedsoc_zoom_us_w_94999075747-3Ftk-3D-2DKT2ENFJBRgHa50aMKHt6VnejdxZyIuw-5FG6P1J8PmC0_AG_EA6s3mP1nE6jv9jjXZi1brnmCJkvJKBwYBMuL-2DToev7D2Zronq-5FPdJ-2DUcfNZmL0AbqLKyrGxVPeTnohOvfwwMShCcbf6K_vS5fsVXRtf1ZucbPH6JK5A_yvid46XKzzCyOCHe-26pwd-3DY0dnaUx5NTJEaExwYXRkWWpZWG5PdZ09&d=DwMFAg&c=y0h0omCe0jAUGr4gAQ02Fw&r=it-kkUDJim4fMp5wRt2hSKYyd-bSYcRiYnUrCtkXD4&m=pC5azC4UqMiAEhtQne9xxJkoF8--LqGNyyexqM5fFFs&s=V7S9zs1wf0P3rsJem7qLoAdhadTYHsOXQ2-BR7u2brc&e=>)

Note: This link should not be shared with others; it is unique to you

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Please join with video via a computer using the link above. If you cannot join on a computer or device with video and you need to call in, you can use the Dial-In option below:

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Webinar ID: (b) (6)

Participant ID: (b) (6)

The Federalist Society is holding its annual National Lawyers Convention virtually this year the week of November 9. The theme is “Rule of Law.” As you know, I chair the Telecommunications & Electronic Media Practice Group and wondered if you would be interested in participating on a panel on Tuesday, November 10 from 2:00-3:30 pm. The title of the panel is “Friends or Foes: Social Media, Big Tech, and Federal Law” and will be co-hosted with the Federalist Society’s Corporations, Securities & Antitrust Practice Group. We envision having four speakers, including you, and the discussion will focus on the role of federal statutes, including the antitrust laws and Section 230, in the development and evolution of modern technology and online platforms—as well as what role those statutes should play to protect further innovation, growth, and competition in today’s fast-changing online era.

More information about the convention will be available soon at: <https://fedsoc.org/national-lawyers-conventions> <[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_fedsoc\\_org\\_national-2Dlawyers-2Dconventions&d=DwMFAg&c=y0h0omCe0jAUGr4gAQ02Fw&r=it-kkUDJim4fMp5wRt2hSKYyd-bSYcRiYnUrCtkXD4&m=sq3OakhKpMoab8RMruzgDRAAC0CWZvjtyv8dKFD0Rw&s=VvhxJtryiVbNltbPZAU5DzFBAEmwLVFMBf704P2288o&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A__fedsoc_org_national-2Dlawyers-2Dconventions&d=DwMFAg&c=y0h0omCe0jAUGr4gAQ02Fw&r=it-kkUDJim4fMp5wRt2hSKYyd-bSYcRiYnUrCtkXD4&m=sq3OakhKpMoab8RMruzgDRAAC0CWZvjtyv8dKFD0Rw&s=VvhxJtryiVbNltbPZAU5DzFBAEmwLVFMBf704P2288o&e=>)>

Please let us know if you have any questions. We hope that you are able to join us virtually!

Bryan

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October 14, 2020

Dear Commissioner Carr,

I am writing to confirm your participation in the Federalist Society's annual National Lawyers Convention, scheduled to take place the week of November 9 - 13, 2020. The theme of the Convention this year will be "The Rule of Law and the Current Crisis" which will be developed around a series of virtual showcase panels, debates and addresses.

We are confirming you to take part in a panel jointly sponsored by our Telecommunications & Electronic Media Practice Group and our Corporations, Securities & Antitrust Practice Group, scheduled for Tuesday, November 10 from 2:00 – 3:30 pm ET. The live panel, entitled "Regulating Social Media," will be delivered with no in-person audience, but broadcast via Zoom and other formats to a national, virtual audience. We expect over a thousand people to 'attend'. Each panel is live-streamed, recorded, and transcribed. Transcripts from panels are sometimes published in various law reviews.

Once we have confirmed all of the participants for this panel, we will reach out to schedule a "Tech Test" Zoom meeting. In this meeting we will test audio, video and ensure everyone is able to successfully access the Zoom meeting room. We will also discuss the logistics of the panel, including the order that speakers will give their opening remarks, how much time will be allotted for each segment of the panel and answer any questions that speakers have. You will receive an email from Juli Nix who will schedule this call; please reply to her email with your availability for the "Tech Test."

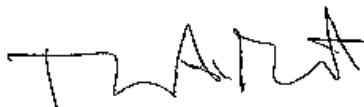
Please complete the Speaker Information form available [HERE](#). The information you provide will help us complete the Convention program. In addition, it will give us information about what you require for your participation, including PowerPoint uploading.

We also attempt to provide as much CLE credit as possible to attorneys who attend our conventions, and thus ask that you send a few sources of written materials that would aid us in providing CLE of the utmost quality. Please email these to our CLE coordinator, Greg Walsh, at [greg.walsh@fedsoc.org](mailto:greg.walsh@fedsoc.org) by October 25th.

In the meantime, if you have any questions about the convention, please feel free to contact me at 202-822-8138 or via e-mail at [Dean.reuter@fed-soc.org](mailto:Dean.reuter@fed-soc.org).

Again, thank you for agreeing to participate in our Convention.

Very truly yours,



Dean A. Reuter  
General Counsel, Vice President, and  
Practice Groups Director



**From:** [Tramont, Bryan](#)  
**To:** [Brendan Carr](#)  
**Cc:** [Thumann, Danielle](#); [Drema Johnson](#); [Rosemary C. Harold](#)  
**Subject:** for monday class  
**Date:** Thursday, November 19, 2020 12:25:55 PM  
**Attachments:** [image011262.jpg](#)

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Looking forward to seeing you Monday ☐ thanks again for doing this ☐ proposed  
☐uestions below:

- Describe your career path to date - including your CUA experience. Did you plan on becoming an FCC commissioner?
- What role did CUA play in your career path? Your externships? This class?
- How important is the LTI network to you at this stage in your career? Does CUA Law's general reputation matter once you've gotten the first job?
- If you could go back to law school and change one thing about your time at CUA, what would it be?
- How do you balance being a commissioner with having a young family?
- We are all working on the Section 230 docket – how did that become your thing? Can you walk us through your views on it?
- What is a typical day like?
- What makes a commissioner good at his or her job?
- How does your experience at a law firm, in the FCC's Office of General Counsel, and in Chairman Pai's office affect how you perform your job now?
- Which policy issues have been at the top of your personal FCC agenda?
- What do you look for in staff?
- On contentious issues, how much do you rely on outside input to inform your position?
- What makes written comments effective?
- What makes an ex parte presentation effective?
- What events or tasks have you most enjoyed as a commissioner? Tell us a bit about your tower climbing experience!
- What are the most difficult/unpleasant parts of the job?
- When you're not working, what do you do for fun and relaxation?



**BryanN.Tramont**

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please notify us by telephone at 202.783.4141 or by electronic mail [administrator@wbklaw.com](mailto:administrator@wbklaw.com) immediately.

**From:** [eraufly@gmail.com](mailto:eraufly@gmail.com)  
**To:** "Twitter"; Aijt Pai; Mike O'Rielly; Brendan Carr; [Jessica Rosenworcel](#); [Geoffrey Starks](#)  
**Cc:** [Hotline](#); [kevin.eichinger@mail.house.gov](mailto:kevin.eichinger@mail.house.gov)  
**Subject:** Honorable Congressman Jim Jordan  
**Date:** Thursday, November 12, 2020 9:15:32 PM  
**Attachments:** [~WRD0000.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
**Importance:** High

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Congressman Jim Jordan  
2056 Rayburn House Office Building  
Washington, DC 20515  
Phone: (202) 225-2676  
Fax: (202) 226-0577

Honorable Jordan,

Below is an email received from Twitter, Inc., regarding a commonly known statement of fact that is being suppressed by their young and incompetent support team. They have locked me out of my account and have threatened me with permanent suspension and or being removed from Twitter if I refuse to delete those public commonly known statements.

The exact opposite from our liberal colleagues is much worse, but they continue to give them a pass; I have documented those similar tweets that were submitted to Twitter, who DENY and or stated it didn't violate any of the same rules they are attempting to use against me. Their attempt to SUPPRESS conservative accounts continue, despite Jack Dorsey's statement made under oath that no such suppression was being done.

I respectfully request that the House Judiciary committee revoked their Section 230 so that the public can have a legal action option against this suppression.

Any consideration on this request would be appreciated, and any notification to Twitter, Inc., to stop their hypocritical actions against Conservative accounts immediately. Additionally, they are giving Liberal accounts stating much worse than the below tweets a pass; please make an official entry into your House Judiciary record meeting with Jack Dorsey on this additional evidence of his lying under oath.

Respectfully yours,

/s/Glenn Carter, usn(ret)

[eraufly@gmail.com](mailto:eraufly@gmail.com)

Phone: (407) 505-9935

Fax: (202) 595-0202



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**From:** Twitter <[notify@twitter.com](mailto:notify@twitter.com)>

**Sent:** Thursday, November 12, 2020 7:54 PM

**To:** Glenn Carter <[eraufly@gmail.com](mailto:eraufly@gmail.com)>

**Subject:** Your Twitter account has been locked



**Hi Glenn Carter** ,  
**Your account, @eraufly has been locked for violating the [Twitter Rules](#).**

Specifically for:

**[Violating our rules against posting misleading information about voting.](#)**

You may not post content providing false information about voting or registering to vote.



**Glenn Carter**  
@eraufly

@politicususa AZ; PA; WI; CA; NV; MI;GA False narrative and storyline by @politicususa meanwhile Democratic whistleblowers come forward with their affidavits of #VoterFraud, CFE-Certified Fraud Examiners with statistical evidence! #VoterFraudIsReal

**[Violating our rules against posting misleading information about voting.](#)**

You may not post content providing false information about voting or registering to vote.



**Glenn Carter**  
@eraufly

@JoeBiden Stand Down CANDIDATE!! The MSM is fraudulently reporting a win for Candidate @JoeBiden this is FALSE!! The media doesn't determine the elections it's the CERTIFICATION of votes and

ELECTORAL COLLEGE! #FakeNewsMedia  
#FakeFoxNews #HammerScoreCard  
<https://t.co/4G40YOWBLh> eCard  
<https://t.co/4G40YOWBLh> YOWBLh

Please note that repeated violations may lead to a permanent suspension of your account. Proceed to Twitter now to fix the issue with your account.

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Twitter, Inc. 1355 Market Street, Suite 900 San Francisco, CA 94103





**From:** [Alethea Lewis](#)  
**To:** [Alexander Sanjenis](#); [Alisa Valentin](#); [Allison Baker](#); [Anne Veigle](#); [Arielle Roth](#); [Aurelle Porter](#); [Austin Bonner](#); [Benjamin Arden](#); [Blaise Scinto](#); [Brendan Carr](#); [Brian Hart](#); [Catherine Schroeder](#); [Cecilia Sulhoff](#); [Charles Matthias](#); [Christopher Santini](#); [Dana Shaffer](#); [Diane G. Holland](#); [Donald Stockdale](#); [Erika Olsen](#); [Erin Fitzgerald](#); [Erin McGrath](#); [Ethan Lucarelli](#); [Evan Swarztrauber](#); [Geoffrey Starks](#); [Giulia McHenry](#); [Holly Saurer](#); [Jamison Prime](#); [Jesse Jachman](#); [Jessica Rosenworcel](#); [Joel G. Miller](#); [John Schauble](#); [Joseph Calascione](#); [Justin Faulb](#); [Kate Black](#); [Kathryn OBrien](#); [Katie Gorscak](#); [Kris Monteith](#); [Lauren Kravetz](#); [Lisa Fowlkes](#); [Lisa Gelb](#); [Mark Stephens](#); [Matthew Berry](#); [Matthew Pearl](#); [Michael Carowitz](#); [Michelle Carey](#); [Mike O'Rielly](#); [Montana L. Hyde](#); [Nadja SodosWallace](#); [Nancy Zaczek](#); [Nicholas Degani](#); [OLA Distribution List](#); [Patrick Webre](#); [Preston Wise](#); [Rachel Kazan](#); [Rosemary Harold](#); [Sean Spivey](#); [Susan Mort](#); [Thomas Johnson](#); [Thomas Sullivan](#); [Travis Litman](#); [Umair Javed](#); [Wesley Platt](#); [Will Adams](#); [Will Wiquist](#); [William Davenport](#); [Zac Champ](#); [Zenji Nakazawa](#)  
**Subject:** Incoming Congressional Correspondence for Today  
**Date:** Monday, November 30, 2020 3:45:39 PM  
**Attachments:** [Maloney et al 945.pdf](#)  
[Clarke et al 944.pdf](#)

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Cong. Carolyn Maloney, et al. – Operational Excellence – Human Resources – (OMD)

- Requests information on conversions of political appointees to civil service positions during the Trump Administration.
- Poses several questions.
- Requests a response by December 9, 2020.

Cong. Yvette Clarke, et al. – Connect America – E-rate – (WCB)

- Asks the Commission to expand the E-rate program to cover digital classrooms in students' or teachers' homes.
- Asks the Commission to designate additional services under Section 254(c) or investigate the agency's forbearance authority as appropriate to ensure that no student is locked out of the virtual classroom.
- States that expanding the program would benefit the low-income households most in need of connectivity.

Alethea Lewis

Congressional Liaison Specialist

Federal Communications Commission

Office of Legislative Affairs

(202) 418-0103

[Alethea.Lewis@fcc.gov](mailto:Alethea.Lewis@fcc.gov)

**Congress of the United States**  
**Washington, DC 20515**

November 25<sup>th</sup>, 2020

The Honorable Ajit V. Pai  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Dear Chairman Pai,

We write you to urge the Federal Communications Commission (FCC) to support schools and students across the country as we continue to adjust to distanced learning by expanding the reach of the E-rate program to cover digital classrooms in students' or teachers' homes. We know that, to date, you have interpreted the use of "classroom" in the statute establishing the program narrowly, to cover only classrooms physically located in a school, and not the digital classroom many children are attending during this crisis. As the pandemic rages on and the damage to teachers and students without a reliable, high-speed internet connection worsens, we urge you to reconsider your approach and also explore using the FCC's authority to designate additional services under Section 254(c) or investigate the agency's forbearance authority as appropriate to ensure that no student is locked out of the virtual classroom.

In light of the ongoing coronavirus pandemic, school districts have been forced to scramble to accommodate a new teaching paradigm or risk allowing their students to fall behind. Existing FCC programs, such as the E-Rate program, can provide critical assistance to the jurisdictions most in need of additional aid to close the digital learning gap. Unfortunately, the FCC has adopted an unnecessarily limited interpretation of how it can marshal these funds during the pandemic. This school year, even as school districts push to reopen schools as much as possible, the home has become the classroom. Programs such as the E-Rate program must now adapt to this new reality if they hope to improve the ability for our students to succeed. With this in mind, we urge you to adjust your interpretation of the E-Rate program to allow for spending to provide broadband access to disconnected students.

As schools push to reopen nationwide, for most students the bedroom now doubles as the classroom. In order to lower the likelihood of transmission, many of the largest school districts in the country have chosen to transition to a distanced learning model this fall.<sup>1</sup> While this gives us our best chance to overcome this virus, it also creates distinct financial challenges for students and school districts. Nearly 30% of all households lack personal broadband Internet access,

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<sup>1</sup> Grayer, Annie. "Several big US school districts are extending remote classes into the fall." *CNN*. July 15, 2020

rising to over 40% for low-income households throughout the country.<sup>2</sup> Making matters worse, as the pandemic has ground business to a halt, state and local governments will continue to collect fewer taxes creating a structural strain on school budgets. This has presented schools with the impossible choice of either allocating resources to support the necessary capital improvements and safety protocols to reopen schools or to provide students with the supplies they need to assimilate to distanced learning. Fully utilizing the E-Rate program will help alleviate this financial burden on school districts and provide students with the resources they need to succeed.

Expanding the E-Rate program would most directly benefit the low-income households most in need of connectivity. This pandemic has ravaged low-income households, first targeting them for transmission and then compounding the pain via economic devastation. From the beginning of the pandemic, it became clear that low-income households with essential workers were most at risk of negative health outcomes.<sup>3</sup> Necessary social distancing regulations disproportionately impacted many low-income jobs, effectively shuddering the leisure and hospitality sectors causing job postings to drop by nearly 22%.<sup>4</sup> Moreover, low-income students have historically been inordinately prone to absenteeism leading to negative educational outcomes.<sup>5</sup> Taken together, it becomes clear that low-income households stand the most to lose both from the pandemic and from a failure to close the digital learning gap. Failure to provide low-income households with the resources they need will only compound the impact of socio-economic inequality. Low-income students without steady, affordable access to broadband will fall behind in school, potentially causing irreparable harm to their academic achievement. We must take every opportunity available to us to help level the playing field such that all students have an opportunity to succeed.

The transition to distanced learning will persist long enough to justify a more expansive E-Rate program. Ultimately, the crisis caused by this pandemic will only truly subside once a vaccine has been approved and widely distributed. In September, Dr. Fauci told Congress that he does not expect a vaccine to be proven safe and ready for public consumption until the end of 2020 or beginning of 2021.<sup>6</sup> From there, numerous complications related to distribution from storage to transportation could extend the timeline for mass distribution of a successful vaccine to April 2021, or later.<sup>7</sup> In other words, this pandemic and the associated necessary public health protocols will likely persist throughout most of the school year. In the meantime, school districts will likely continue to push to safely reopen schools – potentially suffering through fits and starts of reopening as virus clusters arise. Students without steady broadband access will oscillate

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<sup>2</sup> New American Economy. “Back to School: A Look at the Internet Access Gap.” *New American Economy Research Fund*. August 6, 2020

<sup>3</sup> Goldstein, Amy. “Income emerges as a major predictor of coronavirus infections, along with race.” *Washington Post*. June 22, 2020

<sup>4</sup> Chetty et al. “Percent Change in Employment.” *Opportunity Insights Economic Tracker*. Accessed: Nov. 1, 2020

<sup>5</sup> Garcia, Emma; Weiss, Elaine. “Student Absenteeism: Who misses school and how missing school matters for performance.” *Economic Policy Institute*. Sept. 25, 2018

<sup>6</sup> Lovelace Jr., Berkeley. “Fauci tells Congress the US could have enough coronavirus vaccine doses for every American by April.” *CNBC*. Sept. 23, 2020

<sup>7</sup> Rouben, Rachel; Goldberg, Dan. “Vaccine distribution isn’t as easy as Trump wants people to think.” *Politico*. Sept. 18, 2020



between being able to participate in the classroom while risking their own physical health and being completely locked out from their government mandated education.

Therefore, we urge the FCC to work to update the E-Rate program to address this crisis, including but not limited to the following:

- 1) Make the purchase of hardware and off-premise internet access E-Rate eligible;
- 2) Waive relevant competitive bidding and contractual requirements for the E-Rate program, as appropriate;
- 3) Ensure that internet accessed through the expanded program follows appropriate rules to protect children online, as required by the E-Rate statute;

Using E-Rate to meet this moment would not only fit neatly with the program's underlying statutory authority, but it would also address a key issue of equity amidst the pandemic. We look forward to your response on this critical program.

Sincerely,

Handwritten signature of Yvette D. Clarke in black ink, with the letters "M.C." written in small print below the signature.

Yvette D. Clarke  
Member of Congress

/s/ Nanette Diaz Barragán  
Member of Congress

/s/ Adriano Espaillat  
Member of Congress

/s/ Joseph D. Morelle  
Member of Congress

/s/ Carolyn B. Maloney  
Member of Congress

/s/ Jerrold Nadler  
Member of Congress

/s/ Raul Ruiz, M.D.  
Member of Congress

/s/ Max Rose  
Member of Congress

**Congress of the United States**  
**Washington, DC 20515**

November 25, 2020

Dear Department, Agency, or Office Head:

We are writing to request information on conversions of political appointees to civil service positions during the Trump Administration at your department, agency, or office, including all component entities. Protecting the nonpartisan expertise of the career civil service is essential to the safety and security of the American people. Federal law requires that personnel actions are carried out in such a way that the “selection and advancement” of employees in the civil service are “determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition,” rather than on the basis of “partisan political purposes.”<sup>1</sup>

We are seeking a full accounting of political appointees who have already been hired into career positions or are being considered for such conversions.<sup>2</sup> The merit system principles of the federal workforce put in place guardrails to ensure that competitive service requirements are not bypassed to inappropriately place political appointees in permanent career service positions. In accordance with civil service protections, the Office of Personnel Management (OPM) requires all agencies to seek its “approval prior to appointing any current or former political appointee to a permanent position ... in the civil service.”<sup>3</sup> Following such requests, OPM reviews proposed selections to determine whether conversions are appropriate.<sup>4</sup>

We are also seeking a full accounting of any positions converted, or being considered for conversion, under the new Schedule F recently created through Executive Order 13957.<sup>5</sup> The creation of this schedule would be a dramatic change in the composition of the civil service and expose it to undue political influence and intimidation.<sup>6</sup> It is critical that Congress receive timely

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<sup>1</sup> Civil Service Reform Act of 1978, Pub. L. No. 95-454.

<sup>2</sup> For the purposes of this request, political appointees are those requiring Senate confirmation (PAS), those not requiring Senate confirmation (PA), those defined under 5 U.S.C. §§ 5312-5316, Schedule A appointees (5 C.F.R. §§ 213.3101-3199, 5 C.F.R. §213.3102 (c) and (z)), Schedule C appointees (5 C.F.R. §§ 213.2201-3302), Schedule F appointees (85 Fed. Reg. 67631), SES appointees (5 U.S.C. §3122(a)(5-7); and 5 C.F.R. § 317 (F)), appointees serving in a political capacity under agency-specific authority, and Provisional Political Appointments to be a “political appointee.” See also Office of Personnel Management, *Frequently Asked Questions: Which Types of Political Appointments Are Subject to OPM’s Pre-Hiring Approval?* (online at [www.opm.gov/FAQs/QA.aspx?fid=023f2059-dff7-4307-89b4-c553c218af1d&pid=08248d29-d26e-44b6-9988-57655358d509](http://www.opm.gov/FAQs/QA.aspx?fid=023f2059-dff7-4307-89b4-c553c218af1d&pid=08248d29-d26e-44b6-9988-57655358d509)); Exec. Order No. 13957, 85 Fed. Reg. 67631 (Oct. 21, 2020).

<sup>3</sup> Memorandum from Kathleen McGettigan, Acting Director, Office of Personnel Management, to Heads of Departments and Agencies, *Political Appointees and Career Civil Service Positions* (Feb. 23, 2018) (online at <https://chcoc.gov/content/political-appointees-and-career-civil-service-positions-3>).

<sup>4</sup> *Id.* citing 5 C.F.R. § 315 (F) and 5 C.F.R. § 337 (B).

<sup>5</sup> Exec. Order No. 13957 (Oct. 21, 2020).

<sup>6</sup> Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight Reform, Chairman Gerald E. Connolly, Subcommittee on Government Operations, et al., to Michael J. Rigas, Acting Deputy Director for Management, Office of Management and Budget, and Michael J. Rigas, Acting Director, Office of Personnel

information about any potential and actual conversions made pursuant to this Executive Order.

Based on our legislative and oversight authorities, including those set forth in House Rule X, our Committees request that you produce the following documents and information:

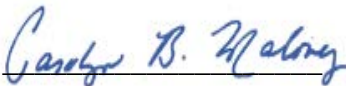
1. A list of all positions not excepted from the competitive service by statute for which your department, agency, or office has petitioned the Director of OPM under Section 5(a)(i) of Executive Order 13957 to place in Schedule F;
2. A list of all positions excepted from the competitive service by statute that your department, agency, or office has determined are of a confidential, policy-determining, policy-making, or policy-advocating character and are not normally subject to change as a result of a Presidential transition, and has identified for placement in Schedule F under Section 5(a)(ii) of Executive Order 13957;
3. A list of all individuals whose positions have been converted to Schedule F or who otherwise have been placed in a Schedule F position at any time, including for each individual:
  - a. the individual's name and dates of employment;
  - b. the title of the individual's most recent position that was not in Schedule F;
  - c. the title of the individual's Schedule F position;
  - d. if the individual was terminated after conversion or placement in Schedule F, the final date of employment;
  - e. a justification for the conversion or placement; and
  - f. if available, the race, gender, and ethnicity of the individuals on the list.
4. Copies of any petition your department, agency, or office has made to the Federal Labor Relations Authority under Section 5(e) of Executive Order 13957 to determine whether any Schedule F position must be excluded from a collective bargaining unit under section 7112(b) of title 5, United States Code;
5. Copies of any rules your department, agency, or office has established to prohibit the same personnel practices prohibited by section 2302(b) of title 5, United States Code, with respect to any employee or applicant for employment in Schedule F of the excepted service, as required by Section 6 of Executive Order 13597; and
6. A list of all individuals who held positions as political appointees since January 20, 2017, who are now employed in permanent competitive positions, non-

political excepted service positions, or career Senior Executive Service (SES) positions, including for each individual:

- a. the individual's name;
- b. the title of the position to which the individual was appointed (or positions, if more than one or if they changed over time);
- c. the start and end dates of such appointment(s);
- d. the title of the individual's current position;
- e. the start date of the individual's current position; and
- f. if available, the race, gender, and ethnicity of the individuals on the list.

We ask that you provide an initial response with the information requested to the Committee on Oversight and Reform and your department, agency, or office's committees of jurisdiction by December 9, 2020. Thereafter, we ask that you produce additional updated responses on a biweekly basis through January 20, 2021. An attachment to this letter sets forth a list of departments, agencies, and offices to which this letter is being sent. Thank you for your cooperation.

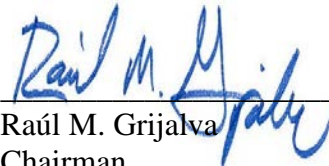
Sincerely,



Carolyn B. Maloney  
Chairwoman  
Committee on Oversight  
and Reform



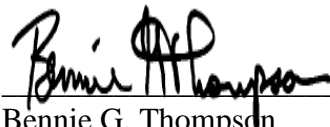
Maxine Waters  
Chairwoman  
Committee on Financial  
Services



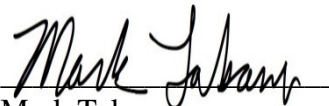
Raúl M. Grijalva  
Chairman  
Committee on Natural  
Resources



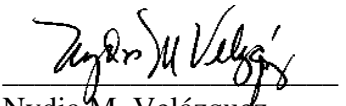
Nita M. Lowey  
Chairwoman  
Committee on Appropriations



Bennie G. Thompson  
Chairman  
Committee on Homeland  
Security



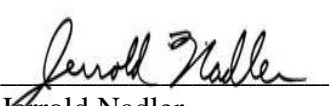
Mark Takano  
Chairman  
Committee on Veterans'  
Affairs



Nydia M. Velázquez  
Chairwoman  
Committee on Small  
Business



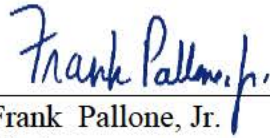
James P. McGovern  
Chairman  
Committee on Rules



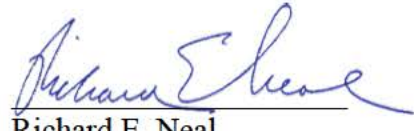
Jerrold Nadler  
Chairman  
Committee on the Judiciary



Collin C. Peterson  
Chairman  
Committee on Agriculture



Frank Pallone, Jr.  
Chairman  
Committee on Energy  
and Commerce



Richard E. Neal  
Chairman  
Committee on Ways  
and Means



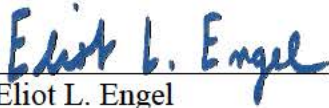
Zoe Lofgren  
Chairperson  
Committee on House  
Administration



Peter A. DeFazio  
Chairman  
Committee on Transportation  
And Infrastructure



Adam B. Schiff  
Chairman  
House Permanent Select  
Committee on Intelligence



Eliot L. Engel  
Chairman  
Committee on Foreign  
Affairs



Robert C. "Bobby" Scott  
Chairman  
Committee on Education  
and Labor

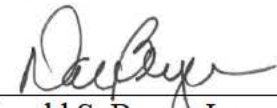


John Yarmuth  
Chairman  
Committee on Budget



Eddie Bernice Johnson  
Chairman  
Committee on Science, Space  
and Technology

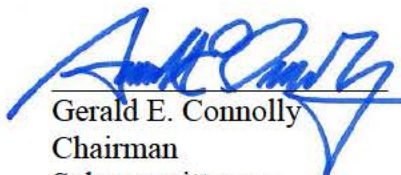
Adam Smith  
Chairman  
Committee on Armed  
Services



Donald S. Beyer, Jr.  
Vice Chairman  
Joint Economic Committee



Kathy Castor  
Chairwoman  
Select Committee on the  
Climate Crisis



Gerald E. Connolly  
Chairman  
Subcommittee on  
Government Operations  
Committee on Oversight  
and Reform



Al Green  
Chairman  
Subcommittee on Oversight  
and Investigations  
Committee on Financial  
Services

cc: The Honorable James R. Comer, Ranking Member  
Committee on Oversight and Reform

The Honorable Patrick McHenry, Ranking Member  
Committee on Financial Services

The Honorable Rob Bishop, Ranking Member  
Committee on Natural Resources

The Honorable Kay Granger, Ranking Member  
Committee on Appropriations

The Honorable Mike Rogers, Ranking Member  
Committee on Homeland Security

The Honorable Dr. Phil Roe, Ranking Member  
Committee on Veterans' Affairs

The Honorable Steve Chabot, Ranking Member  
Committee on Small Business

The Honorable Tom Cole, Ranking Member  
Committee on Rules

The Honorable Jim Jordan, Ranking Member  
Committee on the Judiciary

The Honorable Neal Dunn, Ranking Member  
Committee on Agriculture

The Honorable Greg Walden, Ranking Member  
Committee on Energy and Commerce

The Honorable Kevin Brady, Ranking Member  
Committee on Ways and Means

The Honorable Rodney Davis, Ranking Member  
Committee on House Administration

The Honorable Sam Graves, Ranking Member  
Committee on Transportation and Infrastructure

The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Michael T. McCaul, Ranking Member  
Committee on Foreign Affairs

The Honorable Virginia Foxx, Ranking Member  
Committee on Education and Labor

The Honorable Steve Womack, Ranking Member  
Committee on the Budget

The Honorable Frank Lucas, Ranking Member  
Committee on Science, Space and Technology

The Honorable Mac Thornberry, Ranking Member  
Committee on Armed Services

The Honorable Mike Lee, Chairman  
Joint Economic Committee

The Honorable Garrett Graves, Ranking Member  
Select Subcommittee on the Climate Crisis

The Honorable Jody B. Hice, Ranking Member  
Subcommittee on Government Operations  
Committee on Oversight and Reform

The Honorable Andy Barr, Ranking Member  
Subcommittee on Oversight and Investigation  
Committee on Financial Services

**Department, Agency, and Office Heads**

1.	Administrative Conference of the United States (ACUS)	Mr. Matthew Lee Weiner Vice Chairman and Executive Director
2.	Agency for Global Media (USAGM)	The Honorable Michael Pack Chief Executive Officer
3.	Agency for International Development (USAID)	Mr. John Barsa Acting Deputy Administrator
4.	Central Intelligence Agency (CIA)	The Honorable Gina C. Haspel Director
5.	Commodity Futures Trading Commission (CFTC)	Mr. Anthony “Tony” C. Thompson Executive Director
6.	Consumer Financial Protection Bureau (CFPB)	The Honorable Kathleen Kraninger Director
7.	Consumer Product Safety Commission (CPSC)	The Honorable Robert S. Adler Commissioner and Acting Chairman
8.	Defense Intelligence Agency (DIA)	Lieutenant General Scott D. Berrier Director
9.	Department of Agriculture (USDA)	The Honorable Sonny Perdue Secretary
10.	Department of Commerce (Commerce)	The Honorable Wilbur L. Ross, Jr. Secretary
11.	Department of Defense (DOD)	The Honorable David L. Norquist Deputy Secretary
12.	Department of Education (DoEd)	The Honorable Betsy DeVos Secretary
13.	Department of Energy (DOE)	The Honorable Dan Brouillette Secretary
14.	Department of Health and Human Services (HHS)	The Honorable Alex M. Azar II Secretary
15.	Department of Homeland Security (DHS)	Mr. Chad F. Wolf
16.	Department of Housing and Urban Development (HUD)	The Honorable Benjamin S. Carson Secretary
17.	Department of Justice (DOJ)	The Honorable William P. Barr Attorney General



18.	Department of Labor (DOL)	The Honorable Eugene Scalia Secretary
19.	Department of State (State)	The Honorable Michael R. Pompeo Secretary of State
20.	Department of the Interior (Interior)	The Honorable David Bernhardt Secretary
21.	Department of the Treasury (Treasury)	The Honorable Steven T. Mnuchin Secretary
22.	Department of Transportation (DOT)	The Honorable Elaine L. Chao Secretary
23.	Department of Veterans Affairs (VA)	The Honorable Robert L. Wilkie Secretary
24.	Election Assistance Commission (EAC)	The Honorable Mona Harrington Executive Director
25.	Environmental Protection Agency (EPA)	The Honorable Andrew R. Wheeler Administrator
26.	Equal Employment Opportunity Commission (EEOC)	The Honorable Janet Dhillon Chair
27.	Executive Office of the President (EOP)	Mr. Pat A. Cipollone Counsel to the President
28.	Export-Import Bank of the United States (EXIM)	Ms. Kimberly A. Reed President and Chairman
29.	Farm Credit Administration (FCA)	Mr. Glen R. Smith Chairman and Chief Executive Officer
30.	Federal Communications Commission (FCC)	The Honorable Ajit Pai Chairman
31.	Federal Election Commission (FEC)	Mr. James E. “Trey” Trainor III Chair
32.	Federal Energy Regulatory Commission (FERC)	The Honorable James Danly Chairman
33.	Federal Housing Finance Agency (FHFA)	The Honorable Mark Anthony Calabria Director
34.	Federal Labor Relations Authority (FLRA)	The Honorable Colleen Duffy Kiko Chairman
35.	Federal Maritime Commission (FMC)	Mr. Michael A. Khouri Chairman

36.	Federal Reserve System	The Honorable Jerome H. Powell Chair, Board of Governors
37.	Federal Trade Commission (FTC)	The Honorable Joseph J. Simons Chairman
38.	General Services Administration (GSA)	The Honorable Emily W. Murphy Administrator
39.	Interagency Council on Homelessness (USICH)	Mr. Robert Marbut Executive Director
40.	International Development Finance Corporation (DFC)	Mr. Andrew Herscowitz Chief Development Officer
41.	International Trade Commission (ITC)	Mr. Jason E. Kearns Chair
42.	Merit Systems Protection Board (MSPB)	Tristan Leavitt General Counsel
43.	Millennium Challenge Corporation (MCC)	Mr. Sean Cairncross Chief Executive Officer
44.	National Aeronautics and Space Administration (NASA)	The Honorable James F. Bridenstine Administrator
45.	National Archives and Records Administration (NARA)	The Honorable David S. Ferriero Archivist of the United States
46.	National Credit Union Administration (NCUA)	The Honorable Rodney E. Hood Chairman
47.	National Geospatial-Intelligence Agency (NGA)	Vice Admiral Robert D. Sharp Director
48.	National Labor Relations Board (NLRB)	The Honorable John F. Ring Chairman
49.	National Reconnaissance Office (NRO)	The Honorable Christopher Scolese, Ph.D. Director
50.	National Science Foundation (NSF)	The Honorable Dr. Sethuraman Panchanathan Director
51.	National Security Agency (NSA)	The Honorable General Paul M. Nakasone Director
52.	Nuclear Regulatory Commission (NRC)	The Honorable Kristine L. Svinicki Chairman
53.	Office of the Director of National Intelligence (ODNI)	The Honorable John Ratcliffe Director of National Intelligence

54.	Office of Management and Budget (OMB)	The Honorable Russell T. Vought Director
55.	Office of Personnel Management (OPM)	The Honorable Michael J. Rigas Acting Director
56.	Office of Special Counsel (OSC)	The Honorable Henry J. Kerner Special Counsel
57.	Peace Corps	The Honorable Josephine K. Olsen Director
58.	Pension Benefit Guaranty Corporation (PBGC)	The Honorable Gordon Hartogensis Director
59.	Securities and Exchange Commission (SEC)	The Honorable Jay Clayton Chairman
60.	Small Business Administration (SBA)	The Honorable Jovita Carranza Administrator
61.	Social Security Administration (SSA)	The Honorable Andrew Saul Commissioner

**From:** [Dan Schneider](#)  
**To:** [Brendan Carr](#)  
**Subject:** It's not over "till it's over  
**Date:** Friday, November 20, 2020 1:03:46 PM

---



Dear Brendan,

More than two weeks have passed since Election Day, and despite what the national media outlets would have us believe, we still don't know for sure who won.

But here's what we **do** know.

At the American Conservative Union, our mission remains unchanged, and we are forging ahead. Whether President Trump remains in office for another four years or not, as conservatives committed to advancing the cause of individual liberty, we've got work to do.

Here's what we're doing this week to achieve that mission:

---

## What's New with ACU



### *READ NOW*

"The harder we try to push the problem to the edges of society...the worse it gets." Read the latest from David Safavian, Director of ACU's Center for Criminal Justice Reform.

[Read full story>>](#)



### *NEXT WEEK*

The fourth annual CPAC Japan is on December 5th. Featured speakers include Matt Schlapp, KT McFarland, Ted Cruz and more!

[Watch Live here >>](#)



### *MUST WATCH*

Chairman Matt Schlapp has been on the ground with Team Trump in Nevada, uncovering massive corruption at play in the 2020 Election.

[Hear the latest >>](#)

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Our documentary, filmed in 6 different countries around the world and throughout the U.S., is now available for streaming on [Amazon Prime](#) or through our [YouTube](#) channel. This film follows the ACU team and highlights our international work promoting freedom throughout the world. Click the image to watch now!

---

ACU is countering Leftists' attacks on our election integrity by investing a great deal of resources to expose their schemes and to insist upon a remedy for the voters they've disenfranchised.

We appreciate your constant support of our efforts. Keep heart and fight on!

In Freedom,  
Dan Schneider  
Executive Director

P.S. CPAC 2021 Registration will be opening soon - we look forward to sharing more details soon.

[Donate to ACU](#)



**Our mailing address is:**  
American Conservative Union  
1199 N Fairfax Street  
Alexandria, VA 22301

Want to change how you receive these emails?  
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**From:** [Matt Murray](#)  
**To:** [Brendan Carr](#)  
**Subject:** Join me at WSJ's Newsmakers Event, Dec 7  
**Date:** Wednesday, November 25, 2020 11:05:50 AM  
**Attachments:** [Newsmakers Invitation.pdf](#)

---

Dear Commissioner Carr,

I hope you'll join me and The Wall Street Journal CEO Council for Newsmakers, an online event December 7, 2020. We'll be exploring the impact on business of this pivotal moment in American political history.

Join us to hear from the incoming Biden administration and the heirs to Donald Trump's presidency. What shape will the Democratic business agenda take? And is the Republican Party in transition or already transformed?

I have attached a formal invitation. Please note it is non-transferable. To RSVP or receive additional information, please email [ceocouncil@wsj.com](mailto:ceocouncil@wsj.com).

I look forward to welcoming you to this event.

Sincerely,

Matt Murray

Editor in Chief

The Wall Street Journal



THE WALL STREET JOURNAL.

---

## CEO Council

The Wall Street Journal  
Editor in Chief Matt Murray  
invites you to

---

# Newsmakers

A premier evening program with  
The Wall Street Journal CEO Council

---

*December 7, 2020*  
*7:00–8:30 p.m.*

---

RSVP  
CEOCOUNCIL@WSJ.COM

*THIS INVITATION IS NONTRANSFERABLE.*

**From:** [D'wana Terry](#)  
**To:** [D'wana Terry](#)  
**Subject:** Office of Workplace Diversity Observes Native American Heritage Month & Announces Virtual Event on Monday, November 16th at 2 pm  
**Date:** Thursday, November 12, 2020 3:34:39 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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***Office of Workplace Diversity  
Observes  
Native American Heritage Month***



On October 30, 2020, President Donald Trump issued a proclamation designating November 2020 as National Native American Heritage Month and November 27<sup>th</sup> as Native American Heritage Day. In doing so, President Trump stated, “[d]uring National Native American Heritage Month, we honor the storied legacy of American Indians and Alaska Natives in our Nation. Their cherished legacy, rich cultures, and heroic history of military service inspire us all.” According to the United States of America Department of Interior’s Office of Assistant Secretary – Indian Affairs, there are 574 federally recognized American Indian tribes and Alaska Native villages in the United States.

The theme for this year’s National Native American Heritage Month, “Resilient & Enduring: We are Native People,” is reflective of the efforts and desire for a national honoring of Native Americans. The earliest recorded efforts were spearheaded by individuals. Dr. Arthur Caswell Parker was a Cattaraugus Seneca and a founder of the Society of American Indians and the National Congress of American Indians. Dr. Parker, known for his advocacy of United States citizenship for American Indians, was instrumental in the Boy Scouts of America designating a day for the “First Americans” from 1912 to 1915. In 1915, the Congress of American Indian Association directed its President, Reverend Sherman Coolidge, an Arapaho minister, to seek a national day of observance for American Indians. On September 18, 1915, he issued a proclamation declaring the second Saturday of each May as “American Indian Day.” While, as early as 1916, there have been state observances of “American Indian Day,” a national observance came later. In 1976, Congress passed a resolution authorizing President Gerald Ford to proclaim a week in October as “Native American Awareness Week,” which President Ford issued on October 8, 1976. In 1988, September 23-30, 1988 was designated as “National American Indian Heritage Week.” In 1990, the observance was expanded to a month with November being designated as “National American Indian Heritage Month.” In 1991, Congress passed Senate Joint Resolution 172 (Pub. L. 102-103) authorizing and requesting the President to proclaim the month of November 1991, and the month of each November thereafter, as American Indian Heritage Month. Since 2008, the day after Thanksgiving has been designated as “Native American Heritage Day.”

With this e-mail, the Office of Workplace Diversity continues its observance of Native American Heritage Month and invites you to our upcoming virtual event on **Monday, November 16 at 2:00 p.m.** via MS Teams. During this event, you will meet Derik Goatson of

the Consumer and Governmental Affairs Bureau's Office of Native Affairs and Policy. Derik is a member of the Navajo Nation and will share information about his Native American heritage.

We hope you will mark your calendars for this informative session. To RSVP for the event and receive additional information, send an e-mail to: [owdinfo@fcc.gov](mailto:owdinfo@fcc.gov) by Friday, November 13, 2020. Requests for accommodation also can be sent to [owdinfo@fcc.gov](mailto:owdinfo@fcc.gov).

The Office of Workplace Diversity's observance of Native American Heritage Month responds to President Trump's call to celebrate the "critical role [of Native Americans] in the health and vitality of our great Nation...[by] honor[ing] their vibrant cultures. As business owners, artists, teachers, writers, courageous members of our Armed Forces, and so much more."



(Image of banner, "Native American Heritage Month" & "November")

*D'wana R. Terry*

*Acting Director*

*Office of Workplace Diversity*

*Federal Communications Commission*

\*\*\* Non-Public: For Internal Use Only \*\*\*

**From:** [Benjamin Arden](#)  
**To:** [Drema Johnson](#); [Brendan Carr](#)  
**Subject:** RE: Radio Interview - Washington, D.C. / WMAL - Wednesday AM - FCC Commissioner Brendan Carr  
**Date:** Tuesday, November 17, 2020 3:27:25 PM

---

He's good for 8:05.

Ben

Acting Legal Advisor, Media

Office of Commissioner Brendan Carr

202-418-0288

---

**From:** Drema Johnson <[Drema.Johnson@fcc.gov](mailto:Drema.Johnson@fcc.gov)>  
**Sent:** Tuesday, November 17, 2020 3:06 PM  
**To:** Brendan Carr <[Brendan.Carr@fcc.gov](mailto:Brendan.Carr@fcc.gov)>; Benjamin Arden <[Benjamin.Arden@fcc.gov](mailto:Benjamin.Arden@fcc.gov)>  
**Subject:** FW: Radio Interview - Washington, D.C. / WMAL - Wednesday AM - FCC Commissioner Brendan Carr

**Importance:** High

**Let me know**

**From:** Heather Hunter <[dcheathersmith@gmail.com](mailto:dcheathersmith@gmail.com)>

**Sent:** Tuesday, November 17, 2020 3:05 PM

**To:** Drema Johnson <[Drema.Johnson@fcc.gov](mailto:Drema.Johnson@fcc.gov)>

**Subject:** Radio Interview - Washington, D.C. / WMAL - Wednesday AM - FCC Commissioner Brendan Carr

Hi Drema,

WMAL's morning-drive radio show in Washington, D.C. would love to have **FCC Commissioner Brendan Carr** join us on **Wednesday at 7:35 or 8:05 AM ET for 10 mins via phone**.

**TOPIC: Reaction to the Big Tech hearing today:** On Sec. 230, Twitter's Jack Dorsey say it has enabled "so much goodness and innovation" and says Twitter wouldn't have been possible without it... says he thinks it's possible to "build" on 230.

<https://twitter.com/BrendanCarrFCC/status/1328735544533282818>

**SHOW:** Washington, D.C.'s morning-drive news-talk radio show "Mornings on the Mall" is on WMAL and **hosted by VINCE COGLIANESE and MARY WALTER**. The show airs in the Washington, D.C. area (DC, VA, MD and West VA) from 5-9 AM EDT on 105.9 FM and online at WMAL.com. Twitter @WMALDC.

Please let me know if he can join us and the best number to reach him for the interview.

Thank you!

Heather Hunter

Executive Producer, Mornings on the Mall

WMAL Radio 105.9 FM

4400 Jenifer Street NW, 4th Floor

Washington, D.C. 20015

202-906-9955 mobile

Studio hotline: 202-840-7906

[www.wmal.com](http://www.wmal.com)

Twitter: [@heatherhunterdc](https://twitter.com/heatherhunterdc) [@WMALDC](https://twitter.com/WMALDC)

[WMAL is the #1 radio station in the Washington, D.C. area.](#)

**Want to join the rest of Washington, D.C. in listening to WMAL?**

- Tune in to 105.9 FM on your radio dial.

- Listen to our [WMAL app](#) on your smartphone or iPad.
- Listen online at [WMAL.com](#).
- Tell your Amazon Alexa: "Hey Alexa, play W-M-A-L"  
<https://www.wmal.com/listenlive/>

**From:** [Benjamin Arden](#)  
**To:** [Brendan Carr](#)  
**Subject:** RE: Segment with Commissioner Carr - Censorship of Conservative Media  
**Date:** Monday, November 30, 2020 1:58:42 PM

---

Very good. I'll confirm.

---

**From:** Brendan Carr <[Brendan.Carr@fcc.gov](mailto:Brendan.Carr@fcc.gov)>  
**Sent:** Monday, November 30, 2020 1:58 PM  
**To:** Benjamin Arden <[Benjamin.Arden@fcc.gov](mailto:Benjamin.Arden@fcc.gov)>  
**Subject:** Re: Segment with Commissioner Carr - Censorship of Conservative Media  
Thursday 5:00 is good.

---

**From:** Benjamin Arden <[Benjamin.Arden@fcc.gov](mailto:Benjamin.Arden@fcc.gov)>  
**Sent:** Monday, November 30, 2020 1:26 PM  
**To:** Brendan Carr <[Brendan.Carr@fcc.gov](mailto:Brendan.Carr@fcc.gov)>  
**Subject:** RE: Segment with Commissioner Carr - Censorship of Conservative Media  
Flagging again to make sure you didn't miss it.  
Thursday at 5 for Pags?

---

**From:** Benjamin Arden  
**Sent:** Monday, November 30, 2020 12:06 PM  
**To:** Brendan Carr <[Brendan.Carr@fcc.gov](mailto:Brendan.Carr@fcc.gov)>  
**Subject:** RE: Segment with Commissioner Carr - Censorship of Conservative Media  
Asking for Thursday at 5. Yes?

---

**From:** Brendan Carr <[Brendan.Carr@fcc.gov](mailto:Brendan.Carr@fcc.gov)>  
**Sent:** Monday, November 30, 2020 12:00 PM  
**To:** Benjamin Arden <[Benjamin.Arden@fcc.gov](mailto:Benjamin.Arden@fcc.gov)>  
**Subject:** Re: Segment with Commissioner Carr - Censorship of Conservative Media  
(b) (5)

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**From:** Benjamin Arden <[Benjamin.Arden@fcc.gov](mailto:Benjamin.Arden@fcc.gov)>  
**Sent:** Monday, November 30, 2020 11:59 AM  
**To:** Brendan Carr <[Brendan.Carr@fcc.gov](mailto:Brendan.Carr@fcc.gov)>  
**Subject:** FW: Segment with Commissioner Carr - Censorship of Conservative Media  
(b) (5)

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**From:** Sam Pags <[Sam@joepags.com](mailto:Sam@joepags.com)>  
**Sent:** Monday, November 30, 2020 11:54 AM  
**To:** Drema Johnson <[Drema.Johnson@fcc.gov](mailto:Drema.Johnson@fcc.gov)>; Benjamin Arden <[Benjamin.Arden@fcc.gov](mailto:Benjamin.Arden@fcc.gov)>  
**Subject:** RE: Segment with Commissioner Carr - Censorship of Conservative Media  
Hey Drema – would love to have Commish Carr on the program today to discuss Section 230. Let me know if 4p ET works via video.

Thank you!

Sam

**Sam Pags**

Producer | The Joe Pags Show

---

**From:** Drema Johnson <[Drema.Johnson@fcc.gov](mailto:Drema.Johnson@fcc.gov)>  
**Sent:** Friday, April 3, 2020 10:10 AM  
**To:** Sam Pags <[Sam@joepags.com](mailto:Sam@joepags.com)>; Benjamin Arden <[Benjamin.Arden@fcc.gov](mailto:Benjamin.Arden@fcc.gov)>  
**Subject:** Re: Segment with Commissioner Carr - Censorship of Conservative Media  
Thanks Sam. We are all set.  
Drema

---

**From:** Sam Pags <[Sam@joepags.com](mailto:Sam@joepags.com)>  
**Sent:** Friday, April 3, 2020 11:01 AM  
**To:** Benjamin Arden <[Benjamin.Arden@fcc.gov](mailto:Benjamin.Arden@fcc.gov)>; Drema Johnson <[Drema.Johnson@fcc.gov](mailto:Drema.Johnson@fcc.gov)>  
**Subject:** Re: Segment with Commissioner Carr - Censorship of Conservative Media  
Hey Ben - thanks for circling back. We are confirmed for 5:30p ET.  
Number to call: 210.742.5742  
Thank you!  
Sam  
Sam Pags  
Producer | The Joe Pags Show  
Please excuse any typos. Fat fingers on little phone.

---

**From:** Benjamin Arden <[Benjamin.Arden@fcc.gov](mailto:Benjamin.Arden@fcc.gov)>  
**Sent:** Friday, April 3, 2020 8:42:45 AM  
**To:** Sam Pags <[Sam@joepags.com](mailto:Sam@joepags.com)>; Drema Johnson <[Drema.Johnson@fcc.gov](mailto:Drema.Johnson@fcc.gov)>  
**Subject:** Re: Segment with Commissioner Carr - Censorship of Conservative Media  
Good morning, Sam.  
It looks like the Commissioner was doing some outreach to the show, as well, and is now scheduled to appear today at 5:30PM.  
Can you please confirm the time and provide the call-in information, and we will get it on his calendar?  
Thanks!  
Ben

Acting Legal Advisor, Media

Office of FCC Commissioner Brendan Carr

---

**From:** Benjamin Arden  
**Sent:** Thursday, April 2, 2020 3:21 PM  
**To:** Sam Pags <[sam@joepags.com](mailto:sam@joepags.com)>  
**Subject:** Segment with Commissioner Carr - Censorship of Conservative Media  
Hi, Sam.

I wanted to reach out to see if there is interest in a segment with Commissioner Carr to discuss the Free Press petition asking the FCC to censor broadcasts related to the President's COVID-19 press conferences. They specifically call out the Joe Pags Show, among others:

*"Other misleading broadcast statements include:*

- Mar. 13: "Should we be doing what we're doing right now — and I don't mean us on this

*show, I mean in this country, on the globe, when it comes to this pandemic? No. I think that it's overblown for political reasons." - Joe "Pags" Pagliarulo"*

The Commissioner is speaking out against the blatant attempt to weaponize the FCC against conservative media outlets.

Happy to discuss logistics, if you are interested.

<https://twitter.com/BrendanCarrFCC/status/1245763388266942492?s=20>

<https://thefederalist.com/2020/04/02/far-left-media-group-asks-fcc-to-censor-trump-press-conferences/#.XoYZl83OOQg.twitter>

[https://www.freepress.net/sites/default/files/2020-](https://www.freepress.net/sites/default/files/2020-03/free_press_petition_for_inquiry_to_fcc_re_broadcast_misinformation.pdf)

[03/free\\_press\\_petition\\_for\\_inquiry\\_to\\_fcc\\_re\\_broadcast\\_misinformation.pdf](https://www.freepress.net/sites/default/files/2020-03/free_press_petition_for_inquiry_to_fcc_re_broadcast_misinformation.pdf)

Benjamin D. Arden

Acting Legal Advisor, Media

Office of Commissioner Brendan Carr

Federal Communications Commission

Washington, DC 20554

202-418-0288



**From:** [Neil Fried](#)  
**To:** [Brendan Carr](#)  
**Subject:** Section 230 doesn't need to be repealed. We can reform it.  
**Date:** Monday, November 30, 2020 9:44:02 AM

---



## Section 230 doesn't need to be repealed. We can reform it.

30 Nov 09:09 AM



Neil Fried...[Read More](#)

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**From:** [Juli A. Nix](#)  
**To:** [Brendan Carr](#); [Drema Johnson](#); [Harold Feld](#); [kathleen.ham@t-mobile.com](mailto:kathleen.ham@t-mobile.com); [cwilson3@ftc.gov](mailto:cwilson3@ftc.gov); [Lewis, Tina M.](#); [Duane\\_Benton@ca8.uscourts.gov](mailto:Duane_Benton@ca8.uscourts.gov); [Nicholas Marr](#); [Dean Reuter](#); [Guniganti, Pallavi](#)  
**Subject:** Thank you for participation in the Federalist Society's Lawyers Convention Regulating Social Media  
**Date:** Friday, November 20, 2020 1:36:59 PM

---

Thank you all very much for participating in our 2020 National Lawyers Convention. As you know, this was our first ever all-virtual Convention. We are very pleased to let you know that the full Convention was very well attended, as was your panel. We heard only good things, and lots of them, about the Convention from attendees all week long, and the success we enjoyed was made possible by your participation.

Your panel was watched live by approximately 775 viewers across all platforms, with an additional 1,890 views to date on YouTube after the live program ended.

We have posted [videos of all of the sessions to our YouTube channel](#), and you should feel free to forward that link as widely as possible. Also, we hope to be able to possibly publish the transcript of your panel in a law review. When we find an interested law review, we will only allow publication with the understanding that all panelists and the moderator would be permitted to review and edit the transcripts prior to publication.

Again, thank you so very much for your participation in a Convention, which meant a lot to the organization and to our attendees.

All the best,

Juli



On Tue, Nov 10, 2020 at 1:43 PM Juli A. Nix <[juli.nix@fed-soc.org](mailto:juli.nix@fed-soc.org)> wrote:

If the link to access our Zoom webinar is not on your calendar, please search your email for:

- Subject line--"Panelist for Corporations, Securities & Antitrust and Telecommunications & Electronic Media: Regulating Social Media".
- This is the same link you used for our Zoom planning/test run.

If you are unable to find your link, please let me know as soon as possible by calling me at

(b) (6)

Juli

**Juli A. Nix**  
Director, Conferences, The Federalist Society  
Direct: 202-810-8652 | Main: 202-822-8138 | Fax: 202-810-8653  
[fedsoc.org](http://fedsoc.org)

---

photo



On Tue, Nov 3, 2020 at 9:01 AM Juli A. Nix <[juli.nix@fed-soc.org](mailto:juli.nix@fed-soc.org)> wrote:

Hi All,

Just a quick reminder about our Planning/Zoom Test Run scheduled for today, 11/3, at 1:00 p.m. ET.

**To access the Zoom Test**, please search for this email:

- Subject line--"Panelist for Corporations, Securities & Antitrust and Telecommunications & Electronic Media: Regulating Social Media".
- Sender--"The Federalist Society," which was sent directly from Zoom.
- **Although the email from Zoom only has the date of the actual panel (11/10), the link will be used for today's Tech Test (11/3); please click on that link to join today's test run at 1:00 p.m. ET.**
- Please put the link in your calendar for the actual webinar, we will need you to log on to Zoom with that same link on Tuesday, November 10 @ 1:45 p.m. ET, 15 minutes before the start of the webinar.

**On this Zoom Test:**

- Our digital team will check the technology for each panelist.
- We will discuss the panel and its format, please come prepared with a few sentences explaining your planned "thesis" statement for your opening remarks, so we can discuss and plan the panel.
- Please review the attached document that has tips for your participation in the Zoom webinar.

Here is our panel description and list of panelists, as a starting point, to use as you consider your thesis statement:

Federal statutes, like the Communications Decency Act (and its Section 230), as well as more federal common-law disciplines, like antitrust laws, have played a role in the development and evolution of modern technology and online platforms we use every day. What role will or should federal law play in protecting future innovation, growth, and competition in today's fast-changing online era in which massive data sets are the most precious commodity, the next generation of innovators are often acquired before they turn their first profit, and online ecosystems often have the freedom to make their own rules? In light of recent public policy debates and investigations by federal and state antitrust enforcers, this panel takes stock of where communications and antitrust law stand and where they may go following the 2020 elections.

- Hon. Brendan Carr, Commissioner, Federal Communications Commission
- Mr. Harold Feld, Senior Vice President, Public Knowledge
- Ms. Kathleen Ham, Senior Vice President, Government Affairs, T-Mobile



- Hon. Christine Wilson, Commissioner, Federal Trade Commission
- Moderator: Hon. Duane Benton, United States Court of Appeals, Eighth Circuit

Please let me know if you are unable to find your link or have any difficulties logging on today. Thank you again for your participation and we look forward to hearing from you today.

All the best,

Juli



On Tue, Oct 27, 2020 at 10:28 AM Juli A. Nix <[juli.nix@fed-soc.org](mailto:juli.nix@fed-soc.org)> wrote:  
Thank you for your responses.

We have scheduled the Zoom Tech Test for Tuesday, 11/3, 1:00 p.m. - 1:30 p.m. ET.

Unfortunately, there was no time that all of our speakers were available for the test run. If you are unable to be on the test run at this date/time, please send a few sentences explaining your planned "thesis" statement for your opening remarks. We will share that with your fellow panelists and it will inform the decision on how to proceed with the panel.

If you have any thoughts on the format of the panel; time for opening remarks and whether you prefer time for rebuttals, please let me know. I will pass that along to the moderator and panelists so your thoughts can be included in the discussion.

Once we have held the Zoom Tech Test we will report back to anyone not on the call what was decided. You will continue to receive all of the communications about this, so you are not inadvertently left off of other important communications.

**For the Zoom Tech Test, you will receive a link from "The Federalist Society" which is a direct link from Zoom with your unique link. This link will be used for the Tech Test AND the webinar panel, although the email will not reference the date/time of the Tech Test. Please use that link to access the Zoom Tech Test on Tuesday, 11/3 at 1:00 p.m. ET.**

Please let me know if you have any questions before the call.

All the best,

Juli

photo



**Juli A. Nix**

Director, Conferences, The Federalist Society

Direct: 202-810-8652 | Main: 202-822-8138 | Fax: 202-810-8653

[fedsoc.org](http://fedsoc.org)



On Fri, Oct 16, 2020 at 6:41 PM Juli A. Nix <[juli.nix@fed-soc.org](mailto:juli.nix@fed-soc.org)> wrote:

Thank you all for agreeing to participate in the Federalist Society's National Lawyers Convention webinar panel discussing "Regulating Social Media."

This webinar will be hosted on Tuesday, November 10, 2020 from 2:00 p.m. - 3:30 p.m. ET. This will be hosted as a Zoom webinar. On the day of the event we will need you to log on at 1:45 p.m. ET.

We will be sending you a unique link that should only be used by you. Audience members will receive their own link for the Zoom call. Our audience will also be watching via Facebook and YouTube.

We will need to do a Tech Test and discussion of the panel format, logistics, using Zoom. [Please respond to this Doodle Poll](#) to let me know your availability over the next few weeks for the Zoom Tech Test. Specifically, we are looking to see all of the dates/times you are available from those listed. I apologize for the large number of choices, but there are many peoples' schedules to consider, so the more dates/times we have information for, the better. We expect the Zoom Tech Test to take about 30 minutes.

We will need you to log on to the Zoom Tech Test from the same computer/device/equipment, from the same location, using the same lighting that you plan to use on the day of the actual webinar. It will be helpful for our digital team to be able to troubleshoot any potential problems before the actual webinar. Please keep that in mind when responding with your availability.

Please let me know if you have any questions, otherwise I will get back to you all once I hear from all of the speakers and we are able to schedule a time for the Zoom Test Tech.

All the best,

Juli

photo



**Juli A. Nix**

Director, Conferences, The Federalist Society

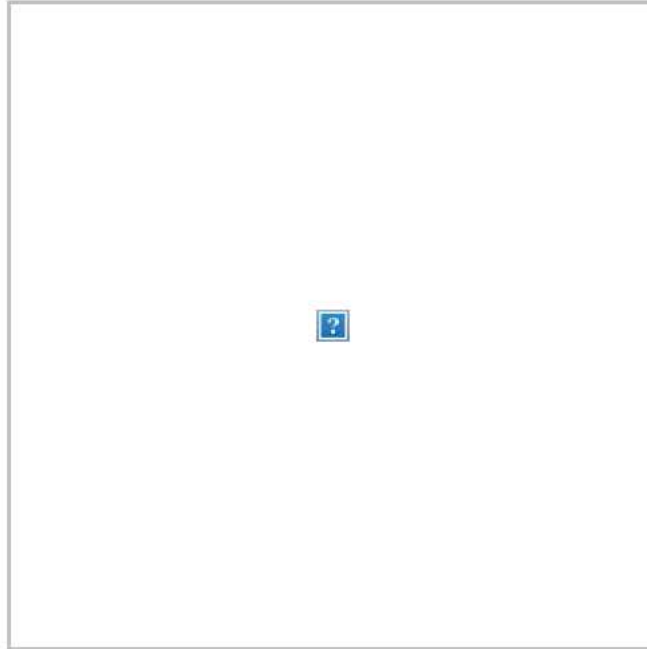
Direct: 202-810-8652 | Main: 202-822-8138 | Fax: 202-810-8653

[fedsoc.org](http://fedsoc.org)



**From:** [Dan Schneider](#)  
**To:** [Brendan Carr](#)  
**Subject:** Thank You  
**Date:** Friday, November 27, 2020 1:03:23 PM

---



Dear Brendan,

This Thanksgiving week, as our country takes a step back from the recent turmoil to remind ourselves of all we have to be thankful for, we'd like to take a moment to thank **you**.

At ACU, we have a great deal for which we are thankful. We're thankful to live in the greatest country in the world. We're thankful for our wonderful staff and their commitment to our cause. But most of all, we're thankful for our fellow conservatives, and we're thankful for **you**.

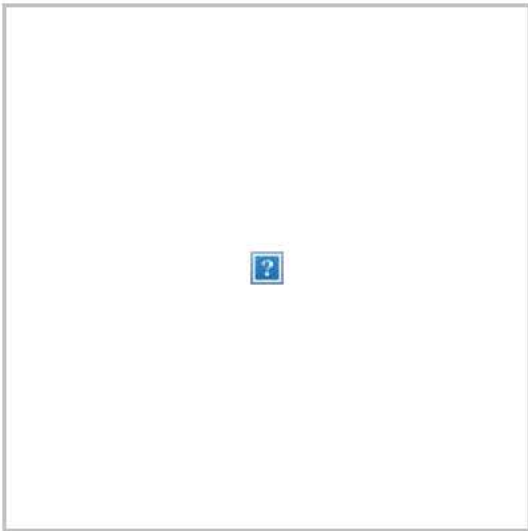
Together, we're stronger. And there is no "together" without you. We may not know what the future holds, but we know who holds the future. Rest assured that we will never stop fighting for America no matter the circumstances and we're thankful to fight alongside **you**.

---

**Breaking News in NV**

Matt Schlapp, alongside Team





Trump in Nevada, just secured a court date to show their evidence of widespread voter illegality.

[Hear the latest update >>>](#)

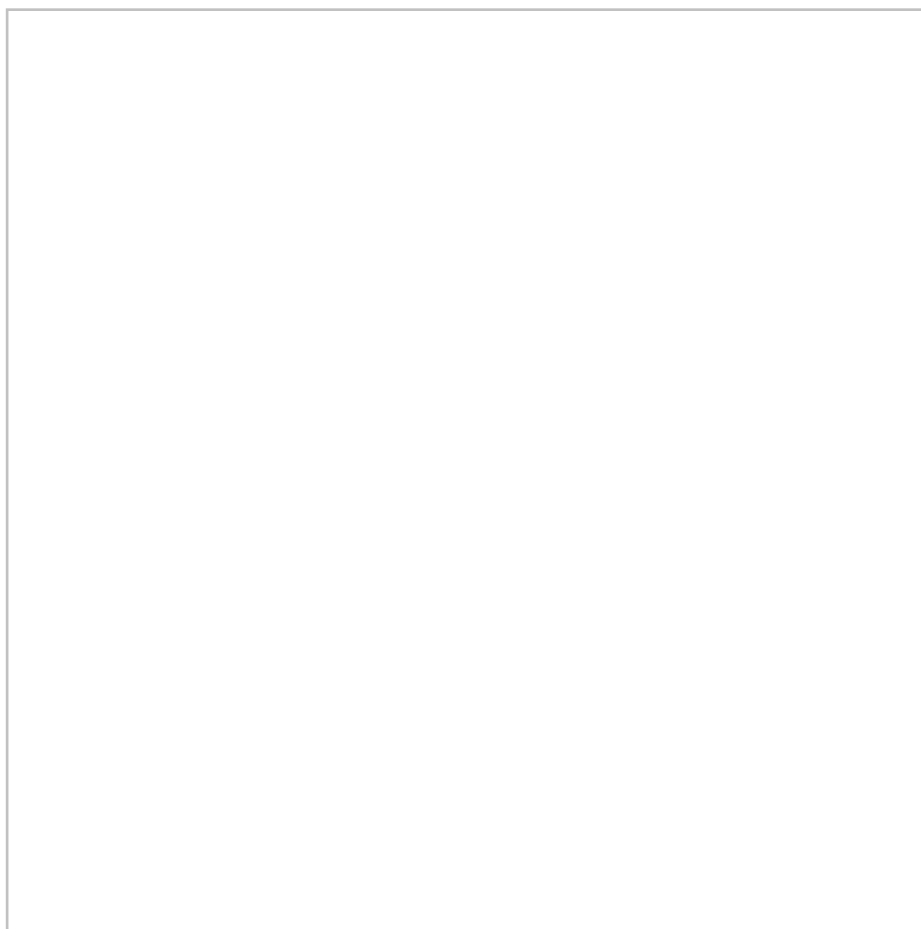
---

## CPAC Japan

The fourth annual CPAC Japan is happening live next week. Tune in on December 5th to hear from amazing international speakers including: Matt Schlapp, Senator Ted Cruz, KT McFarland and more!

[Click to watch live >>>](#)





The countdown has officially begun for **#CPAC2021**. Mark your calendars for February 25th - 28th. More details to come soon ☐

---

Thank you for standing strong with us. As you enjoy some time with family, some leftover turkey, or some great sales, know that the folks at ACU will always have your back.

To continue supporting us in our work, please click [here](#) to let us know you appreciate us, too.

In Gratefulness,  
Dan Schneider  
Executive Director





**DONATE TO ACU**

---



**Our mailing address is:**

1199 N Fairfax Street  
Alexandria, VA 22301

Want to change how you receive these emails?

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**From:** [Drema Johnson](#)  
**To:** [Brendan Carr](#)  
**Subject:** Webex test in preparation of the E&C Hearing  
**Attachments:** [How to Set-up Webex.pdf](#)  
[How to Join as Panelist via Computer \(Witnesses Only\).pdf](#)  
[How to Join as Panelist via iPad \(Witnesses Only\).pdf](#)  
[How to Join as Attendee via Computer \(Staff Only\).pdf](#)  
[How to Join as Attendee via iPad \(Staff Only\).pdf](#)

Got it, thanks! Below is the info with a link for tomorrow's test, the link for Commissioner Carr to use on Thursday, and a separate one for staff to use on Thursday. I have also attached a few pdf "how to"s in case you need them. I know you mentioned he will be logging in from a laptop is that the same device that he will be using Thursday?

Test Tuesday at 1 00 <x-apple-data-detectors //3> pm

Event address for Witnesses [https://ushr.webex.com/ushr/onstage/g.php?MTID=e2a96b38b358bd7e17c14191f336d0c19-https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_ushr.webex.com\\_ushr\\_onstage\\_g.php-3FMTID-3De2a96b38b358bd7e17c14191f336d0c19&d=DwMFaQ&c=L93KkjKsAC98uTvC4KvQDdTDRzAeWDDRMG6S3YXIIH0&r=sooi2Hhg1LDvnlcjEiZjdDVgnjUjg8HrbqlAOBUISiY&m=BBx-qxT0dhkCC4u9PPAA4EYdGfL\\_RtyYU\\_AhXJoKI8&s=qq4-Lsu34TjQ6zQ-MxiZODrxZG7hQtU\\_7l-idwVSEMQ&e=>](https://ushr.webex.com/ushr/onstage/g.php?MTID=e2a96b38b358bd7e17c14191f336d0c19-https://urldefense.proofpoint.com/v2/url?u=https-3A__ushr.webex.com_ushr_onstage_g.php-3FMTID-3De2a96b38b358bd7e17c14191f336d0c19&d=DwMFaQ&c=L93KkjKsAC98uTvC4KvQDdTDRzAeWDDRMG6S3YXIIH0&r=sooi2Hhg1LDvnlcjEiZjdDVgnjUjg8HrbqlAOBUISiY&m=BBx-qxT0dhkCC4u9PPAA4EYdGfL_RtyYU_AhXJoKI8&s=qq4-Lsu34TjQ6zQ-MxiZODrxZG7hQtU_7l-idwVSEMQ&e=>)

Passcode (b)

Hearing Thursday at 10 00 am

Event address for Witnesses [https://ushr.webex.com/ushr/onstage/g.php?MTID=e2be978383ab09b954bda1446bc99d034-https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_ushr.webex.com\\_ushr\\_onstage\\_g.php-3FMTID-3De2be978383ab09b954bda1446bc99d034&d=DwMFaQ&c=L93KkjKsAC98uTvC4KvQDdTDRzAeWDDRMG6S3YXIIH0&r=sooi2Hhg1LDvnlcjEiZjdDVgnjUjg8HrbqlAOBUISiY&m=WrD7S2WjWlTmCps4cs8jkZL-VPOpvyV45LrtXOwgWk&s=jM-NYZKQohgcxvTB31YeFdZcjIRx4Cz42BI5p2elWEA&e=>](https://ushr.webex.com/ushr/onstage/g.php?MTID=e2be978383ab09b954bda1446bc99d034-https://urldefense.proofpoint.com/v2/url?u=https-3A__ushr.webex.com_ushr_onstage_g.php-3FMTID-3De2be978383ab09b954bda1446bc99d034&d=DwMFaQ&c=L93KkjKsAC98uTvC4KvQDdTDRzAeWDDRMG6S3YXIIH0&r=sooi2Hhg1LDvnlcjEiZjdDVgnjUjg8HrbqlAOBUISiY&m=WrD7S2WjWlTmCps4cs8jkZL-VPOpvyV45LrtXOwgWk&s=jM-NYZKQohgcxvTB31YeFdZcjIRx4Cz42BI5p2elWEA&e=>)

Passcode (b)

Event address for staff [https://ushr.webex.com/ushr/onstage/g.php?MTID=ea5a5a57727052981e87c09489d5fee0b-https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_ushr.webex.com\\_ushr\\_onstage\\_g.php-3FMTID-3Dea5a5a57727052981e87c09489d5fee0b&d=DwMFaQ&c=L93KkjKsAC98uTvC4KvQDdTDRzAeWDDRMG6S3YXIIH0&r=sooi2Hhg1LDvnlcjEiZjdDVgnjUjg8HrbqlAOBUISiY&m=WrD7S2WjWlTmCps4cs8jkZL-VPOpvyV45LrtXOwgWk&s=n2ijNKCLEBGY3xM01h8-A5zZQwZDuJcKxkFQ9WkR70A&e=>](https://ushr.webex.com/ushr/onstage/g.php?MTID=ea5a5a57727052981e87c09489d5fee0b-https://urldefense.proofpoint.com/v2/url?u=https-3A__ushr.webex.com_ushr_onstage_g.php-3FMTID-3Dea5a5a57727052981e87c09489d5fee0b&d=DwMFaQ&c=L93KkjKsAC98uTvC4KvQDdTDRzAeWDDRMG6S3YXIIH0&r=sooi2Hhg1LDvnlcjEiZjdDVgnjUjg8HrbqlAOBUISiY&m=WrD7S2WjWlTmCps4cs8jkZL-VPOpvyV45LrtXOwgWk&s=n2ijNKCLEBGY3xM01h8-A5zZQwZDuJcKxkFQ9WkR70A&e=>)

Best,

Joe

From: Will Adams <Will.Adams@fcc.gov <mailto:Will.Adams@fcc.gov> >  
Sent: Monday, September 14, 2020 1:05 PM  
To: Orlando, Joe <Joe.Orlando@mail.house.gov <mailto:Joe.Orlando@mail.house.gov> >  
Cc: Drema Johnson <Drema.Johnson@fcc.gov <mailto:Drema.Johnson@fcc.gov> >  
Subject: Re: Invitation to Testify Before the House Committee on Energy and Commerce (w/ Instructions for Submitting Testimony)

He'll be logging in from his laptop at home, so he told me it would be easier if he just does it himself. Thanks!

On Sep 14, 2020, at 12:49 PM, Orlando, Joe <Joe.Orlando@mail.house.gov <mailto:Joe.Orlando@mail.house.gov> > wrote

Thanks Will! If you feel the Commissioner doesn't need to walk through the software himself that's fine. Other offices are just asking a staff member to familiarize someone on their team with it. That being said if he wants to be on, we are happy to work around his schedule.

From: Will Adams <Will.Adams@fcc.gov <mailto:Will.Adams@fcc.gov> >  
Sent: Monday, September 14, 2020 12:33 PM  
To: Orlando, Joe <Joe.Orlando@mail.house.gov <mailto:Joe.Orlando@mail.house.gov> >  
Cc: Drema Johnson <Drema.Johnson@fcc.gov <mailto:Drema.Johnson@fcc.gov> >  
Subject: RE: Invitation to Testify Before the House Committee on Energy and Commerce (w/ Instructions for Submitting Testimony)

Hi Joe,

Drema, CCed, can schedule time for Commissioner Carr to test the software that you're using for the hearing. I think his best availability is tomorrow (Tuesday).

Will

From: Orlando, Joe <Joe.Orlando@mail.house.gov <mailto:Joe.Orlando@mail.house.gov> >  
Sent: Monday, September 14, 2020 10:36 AM  
To: Will Adams <Will.Adams@fcc.gov <mailto:Will.Adams@fcc.gov> >  
Subject: RE: Invitation to Testify Before the House Committee on Energy and Commerce (w/ Instructions for Submitting Testimony)

Hi Will,

We are starting to hear back from some of the other offices. Would 1 or 2pm tomorrow work on your end?

Thanks,

Joe

From: Orlando, Joe  
Sent: Friday, September 11, 2020 11:37 AM  
To: Will Adams <Will.Adams@fcc.gov <mailto:Will.Adams@fcc.gov> >  
Subject: RE: Invitation to Testify Before the House Committee on Energy and Commerce (w/ Instructions for Submitting Testimony)

Hi Will,

We are also trying to schedule a walkthrough with our digital director to get everyone comfortable with the video conference system and make sure there are no issues. Are you or someone from your team available Tuesday from 10-3pm or Wednesday 10-12pm?

Best,

Joe

From: Orlando, Joe  
Sent: Thursday, September 10, 2020 4:39 PM  
To: Will Adams <Will.Adams@fcc.gov <mailto:Will.Adams@fcc.gov> >  
Cc: Hoehn-Saric, Alex <Alex.Hoehn-Saric@mail.house.gov <mailto:Alex.Hoehn-Saric@mail.house.gov> >; Leverich, Gerald <Gerald.Leverich@mail.house.gov <mailto:Gerald.Leverich@mail.house.gov> >; Rodriguez, Chloe <Chloe.Rodriguez@mail.house.gov <mailto:Chloe.Rodriguez@mail.house.gov> >; Davis, Sharon <Sharon.Davis@mail.house.gov <mailto:Sharon.Davis@mail.house.gov> >  
Subject: Invitation to Testify Before the House Committee on Energy and Commerce (w/ Instructions for Submitting Testimony)

Dear Commissioner Carr

Thank you for agreeing to testify before the House Committee on Energy and Commerce's Subcommittee on Communications and Technology. The hearing – entitled “Trump FCC: Four Years of Lost Opportunities” – will be held on Wednesday, September 17, 2020, at 10 a.m. via the Committee's Webex platform.

Attached please find a formal invitation to testify from Representative Mike Doyle, Chairman of the Subcommittee, as well as other materials to assist you in preparing for your testimony. The first document (“1\_Witness Information Guidelines\_2020\_FedGov\_CAT”) will be the most instructive in helping submit written testimony and other required paperwork. The second and third documents provide details on how to submit the Truth in Testimony form. The remaining documents are for informational purposes regarding Committee rules and procedures.

Once completed, please submit any written materials and paperwork to Sharon Davis, Chief Clerk, Chloe Rodriguez, and myself (all cc'ed here). Please do not hesitate to contact us with any questions at (202) 225-2927.

Thank you very much, and we look forward to seeing you at the hearing.

Sincerely,

Joseph Orlando

Policy Analyst  
Committee on Energy and Commerce  
U.S. House of Representatives  
(202) 225-2927

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**From:** [Drema Johnson](#)  
**To:** [Brendan Carr](#); [Benjamin Arden](#)  
**Subject:** WMAL Mornings on the Mall hosted by Vince Coglianese/Mary Walter re Reaction to Big Tech Hearing

---

Terrific We'll call him tomorrow at 8:05 AM ET Backup: Studio hotline: 202-840-7936

Heather Hunter

Executive Producer, Mornings on the Mall

WMAL Radio 105.9 FM

4400 Jenifer Street NW, 4th Floor

Washington, D.C. 20015

202-906-9935 mobile

Studio hotline: 202-840-7936

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Twitter: @heatherhunterdc <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_twitter.com\\_heatherhunterdc\\_d=DwMFaQ&c=y0h0omCe0jAUGr4gAQ02Fw&r=it-kkUDJm4fMp5wRt2hSKYyd-bSYcRiYnUrCtkXD4&m=lx82MbOxZkZyg\\_9zAhQeZfK-baQuJTh27Ot9HvAgRro&s=JzPBwdMwf9ECIAaserRc6nEsFjuA0CGRj0aKFsgBIDU&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__twitter.com_heatherhunterdc_d=DwMFaQ&c=y0h0omCe0jAUGr4gAQ02Fw&r=it-kkUDJm4fMp5wRt2hSKYyd-bSYcRiYnUrCtkXD4&m=lx82MbOxZkZyg_9zAhQeZfK-baQuJTh27Ot9HvAgRro&s=JzPBwdMwf9ECIAaserRc6nEsFjuA0CGRj0aKFsgBIDU&e=>)> / @WMALDC <[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_twitter.com\\_WMALDC\\_d=DwMFaQ&c=y0h0omCe0jAUGr4gAQ02Fw&r=it-kkUDJm4fMp5wRt2hSKYyd-bSYcRiYnUrCtkXD4&m=lx82MbOxZkZyg\\_9zAhQeZfK-baQuJTh27Ot9HvAgRro&s=Y9SY2p-0Yw8eQbMEs3qPYigYH2\\_ZTGbgT96kPwF59Y&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A__twitter.com_WMALDC_d=DwMFaQ&c=y0h0omCe0jAUGr4gAQ02Fw&r=it-kkUDJm4fMp5wRt2hSKYyd-bSYcRiYnUrCtkXD4&m=lx82MbOxZkZyg_9zAhQeZfK-baQuJTh27Ot9HvAgRro&s=Y9SY2p-0Yw8eQbMEs3qPYigYH2_ZTGbgT96kPwF59Y&e=>)>

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- Tell your Amazon Alexa: "Hey Alexa, play W-M-A-L"

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On Tue, Nov 17, 2020 at 3:40 PM Drema Johnson <[Drema.Johnson@fcc.gov](mailto:Drema.Johnson@fcc.gov)> wrote:

Hi Heather

Commissioner Carr is good for 8:05am Will you call him? – if so his number is 703-307-1778 (cell)

From: Heather Hunter <[dcheathersmith@gmail.com](mailto:dcheathersmith@gmail.com)>  
Sent: Tuesday, November 17, 2020 3:05 PM  
To: Drema Johnson <[Drema.Johnson@fcc.gov](mailto:Drema.Johnson@fcc.gov)>  
Subject: Radio Interview - Washington, D.C. / WMAL - Wednesday AM - FCC Commissioner Brendan Carr

Hi Drema,

WMAL's morning-drive radio show in Washington, D.C. would love to have FCC Commissioner Brendan Carr join us on Wednesday at 7:35 or 8:05 AM ET for 10 mins via phone

TOPIC: Reaction to the Big Tech hearing today: On Sec. 230, Twitter's Jack Dorsey says it has enabled "so much goodness and innovation" and says Twitter wouldn't have been possible without it – says he thinks it's possible to "build" on 230

<https://twitter.com/BrendanCarrFCC/status/1328735544533282818> <[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_twitter.com\\_BrendanCarrFCC\\_status\\_1328735544533282818&d=DwMFaQ&c=y0h0omCe0jAUGr4gAQ02Fw&r=it-kkUDJm4fMp5wRt2hSKYyd-bSYcRiYnUrCtkXD4&m=104pYBYNEABIX4zYD174nvb3X1MEJldqvUJ\\_cZYONg&s=x\\_yPVNYVnaOcr3\\_GDMV3nXHaqXeKnjuvEMRi8GwQBNG&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A__twitter.com_BrendanCarrFCC_status_1328735544533282818&d=DwMFaQ&c=y0h0omCe0jAUGr4gAQ02Fw&r=it-kkUDJm4fMp5wRt2hSKYyd-bSYcRiYnUrCtkXD4&m=104pYBYNEABIX4zYD174nvb3X1MEJldqvUJ_cZYONg&s=x_yPVNYVnaOcr3_GDMV3nXHaqXeKnjuvEMRi8GwQBNG&e=>)>

SHOW: Washington, D.C.'s morning-drive news-talk radio show "Mornings on the Mall" is on WMAL and hosted by VINCE COGLIANESE and MARY WALTER. The show airs in the Washington, D.C. area (DC, VA, MD and West VA) from 5-9 AM EDT on 105.9 FM and online at WMAL.com Twitter

@WMALDC

Please let me know if he can join us and the best number to reach him for the interview

Thank you!

Heather Hunter

Executive Producer, Mornings on the Mall

WMAL Radio 105.9 FM

4400 Jenifer Street NW, 4th Floor

Washington, D.C. 20015

202-906-9935 mobile

Studio hotline: 202-840-7936

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**From:** [Benjamin Arden](#)  
**To:** [Drema Johnson](#); [Brendan Carr](#); [Joseph Calascione](#)  
**Subject:** Re: Invite for Commissioner Carr from ABA Forum on Communications Law  
**Date:** Friday, November 20, 2020 4:04:18 PM  
**Attachments:** [image001.png](#)

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Thanks, Drema.

(b) (5)

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**From:** Drema Johnson <[Drema.Johnson@fcc.gov](mailto:Drema.Johnson@fcc.gov)>  
**Sent:** Friday, November 20, 2020 11:30 AM  
**To:** Brendan Carr <[Brendan.Carr@fcc.gov](mailto:Brendan.Carr@fcc.gov)>; Benjamin Arden <[Benjamin.Arden@fcc.gov](mailto:Benjamin.Arden@fcc.gov)>; Joseph Calascione <[Joseph.Calascione@fcc.gov](mailto:Joseph.Calascione@fcc.gov)>  
**Subject:** Fwd: Invite for Commissioner Carr from ABA Forum on Communications Law

(b) (5)

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**From:** "Kirby, Kathleen" <[KKirby@wiley.law](mailto:KKirby@wiley.law)>  
**Date:** Friday, November 20, 2020 at 11:15:04 AM  
**To:** "Drema Johnson" <[Drema.Johnson@fcc.gov](mailto:Drema.Johnson@fcc.gov)>  
**Subject:** Invite for Commissioner Carr from ABA Forum on Communications Law

Hi Drema,

I hope this finds you keeping well!

On behalf of the Governing Board of the ABA Forum on Communications Law, I would like to invite Commissioner Carr to participate in the Forum's Annual Conference, which will be held virtually during the last week of January 2021. Specifically, we would welcome opening remarks (10 -15 minutes) from Commissioner Carr before a panel discussion focused on Section 230 reform – the panel will be held on Thursday, January 28 at 1:30 PM ET.

I expect that Commissioner Carr is familiar with the Forum – more information may be found here [https://www.americanbar.org/groups/communications\\_law/](https://www.americanbar.org/groups/communications_law/)

I'd be happy to discuss or answer any questions as he considers.

Have a wonderful Thanksgiving,

Kathy



Kathleen A. Kirby  
Attorney at Law  
[kkirby@wiley.law](mailto:kkirby@wiley.law)

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**From:** [The National Law Journal Newsroom Update](#)  
**To:** [Gregory Cooke](#)  
**Subject:** In Nevada, Trump's Legal Team Includes Defense Lawyer for Michael Flynn  
**Date:** Wednesday, November 4, 2020 10:28:26 AM

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## The National Law Journal Newsroom Update

Nov 04, 2020

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### ELECTION AND POLITICAL LAW

#### **In Nevada, Trump's Legal Team Includes Defense Lawyer for Michael Flynn**

By C. Ryan Barber

The race in Nevada was too close to call by Wednesday morning. The state is one of a handful—including Pennsylvania,... [Read More](#)







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**From:** [The National Law Journal Afternoon Update](#)  
**To:** [Gregory Cooke](#)  
**Subject:** Meet Emily Murphy, the Trump Appointee Holding Up Biden's Transition  
**Date:** Monday, November 9, 2020 3:32:31 PM

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## The National Law Journal Afternoon Update

Nov 09, 2020

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ELECTION AND POLITICAL LAW | NEWS

ELECTION AND POLITICAL LAW | Q&A



### **Meet Emily Murphy, the Trump Appointee Holding Up Biden's Transition**

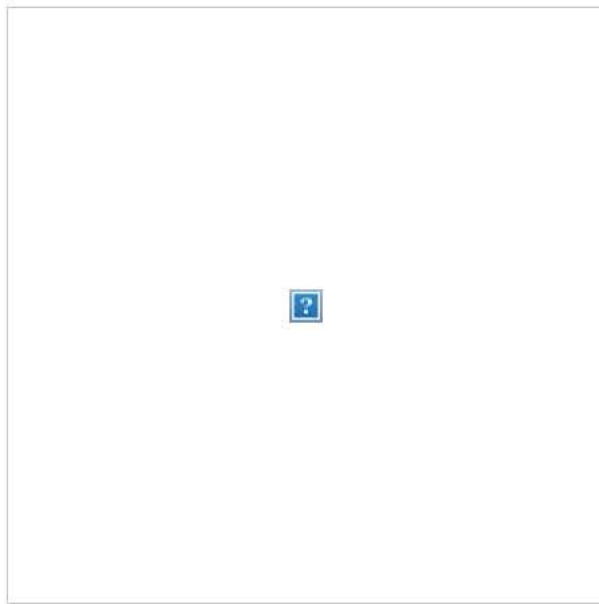
By C. Ryan Barber

GSA Administrator Emily Murphy's refusal to make a so-called "ascertainment" of Biden's victory was quickly criticized... [Read More](#)

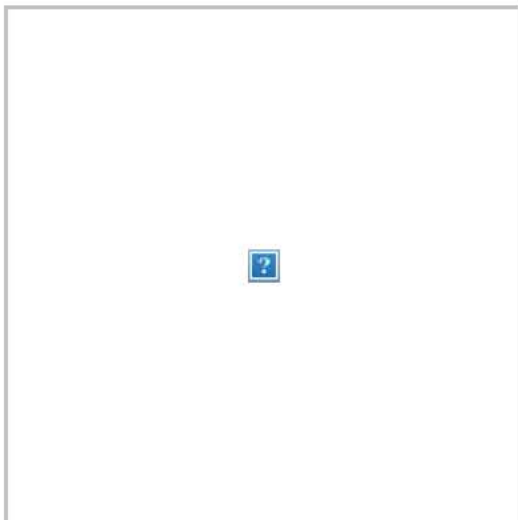
### **Arguing Before SCOTUS From a Remote Cabin in Utah: Michael McConnell's Reflections**

By Tony Mauro

"These telephonic arguments are not popular, mostly because they lack the excitement and sheer fun of the courtroom.... [Read More](#)



#### LAW FIRM HIRING | NEWS



### **Hire Up: Cozen Keeps Laterals Coming, Non-election Action in D.C.**

By Patrick Smith

A slower week for laterals, there was still some non-election related news coming out of D.C. and a couple of higher... [Read More](#)

#### AWARDS

#### ELECTION AND POLITICAL LAW

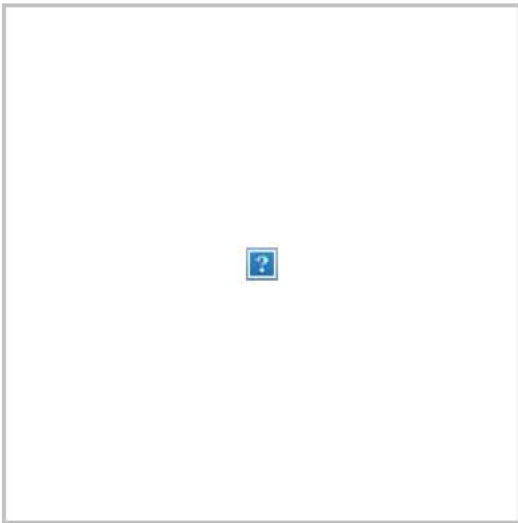


### **Who Are Trump's Election Litigation Lawyers?**

By Dan Roe

Trump's lawyers, so far, include small firms and litigation boutiques that are GOP favorites. [Read More](#)

#### ELECTION AND POLITICAL LAW | NEWS



## **The 2020 Appellate Hot List**

By ALM Staff

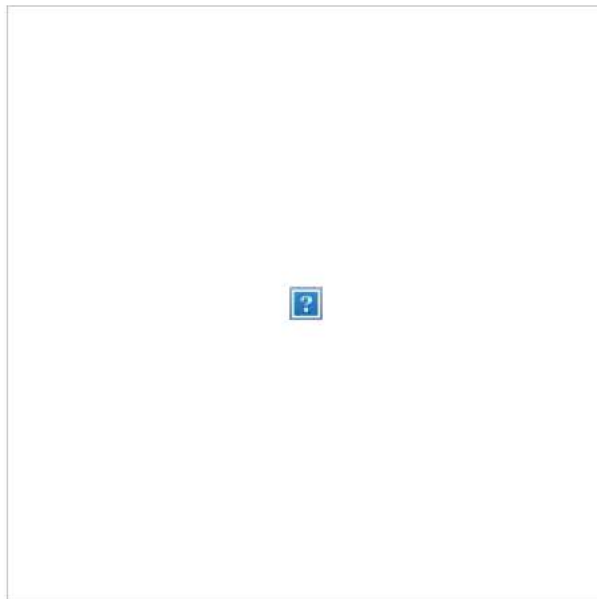
We salute these law firms and lawyers for their success before the U.S. Supreme Court and federal appeals courts. [Read More](#)

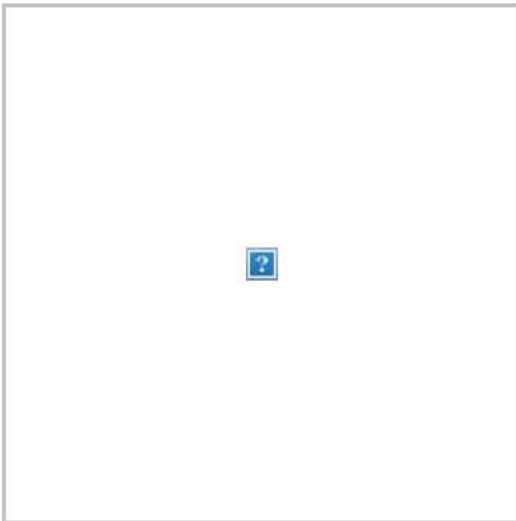


## **By the Numbers: What Biden's Win Means for the Law and the Courts**

By Jacqueline Thomsen

Biden will inherit an executive consumed by litigation during the Trump administration and a Justice Department facing... [Read More](#)

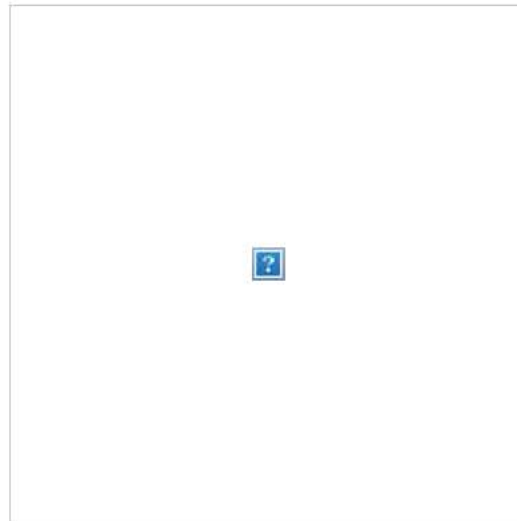




### **Did Public Shaming Finally Get to Cravath? Yes, Say Some Black Lawyers.**

By Vivia Chen

"Shaming is a really powerful tool—it's straight up what millennials and Generation Z prefer." [Read More](#)



### **Legal Industry Adds Nearly 5,000 Jobs in Sixth Straight Month of Gains**

By Dan Packel

Recently announced job cuts haven't weighed down the latest stats from the BLS. But many of these new cuts are permanent... [Read More](#)

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### **Is There a Time Limit for Counting Votes? | Texas Lawyer**

Texas Lawyer

Official and unofficial messaging from various levels of state and federal government points to an understanding that... [Read More](#)

### **Burck, Quinn Emanuel Announce Withdrawal as Counsel to Steve Bannon in 'Build the Wall' Fraud Case | New York Law Journal**

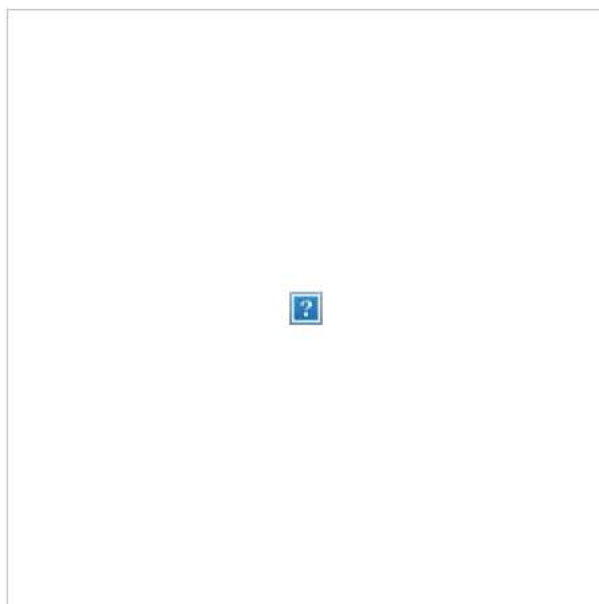
New York Law Journal

His lawyers did not give a reason for their departure, but Bannon made headlines Thursday after posting on social media... [Read More](#)

### **State Bar's Final Vote on Mandatory COVID-19 Vaccination Set for Saturday | New York Law Journal**

New York Law Journal

Meanwhile, a large group of parents, families and individuals who vigorously oppose any mandatory COVID-19 vaccination... [Read More](#)



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**From:** [The National Law Journal Afternoon Update](#)  
**To:** [Gregory Cooke](#)  
**Subject:** Quinn Emanuel Splits With Former Trump Adviser Steve Bannon  
**Date:** Friday, November 6, 2020 3:34:04 PM

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## The National Law Journal Afternoon Update

Nov 06, 2020

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CRIMINAL LAW | NEWS

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### Quinn Emanuel Splits With Former Trump Adviser Steve Bannon

By Jane Wester

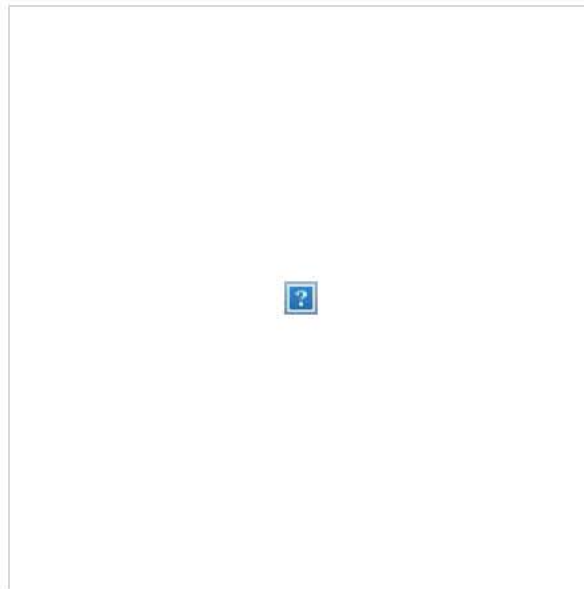
His lawyers did not give a reason for their departure, but Bannon made headlines Thursday after posting on social media... [Read More](#)

### Legal Industry Adds Nearly 5,000 Jobs in Sixth Straight Month of Gains

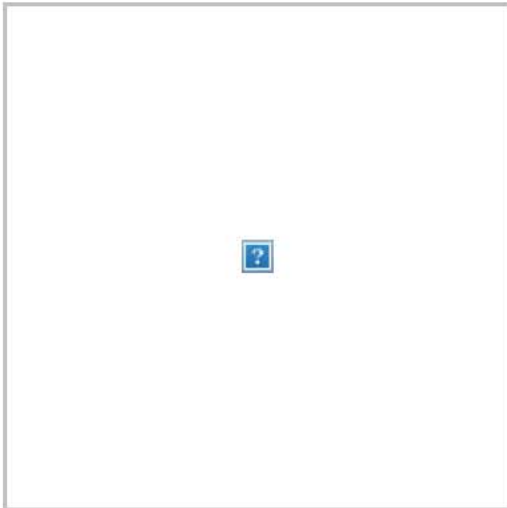
By Dan Packel

Recently announced job cuts haven't weighed down the latest stats from the BLS. But many of these new cuts are permanent... [Read More](#)





DIVERSITY | COMMENTARY



**Did Public Shaming Finally Get to Cravath? Yes, Say Some Black Lawyers.**

By Vivia Chen

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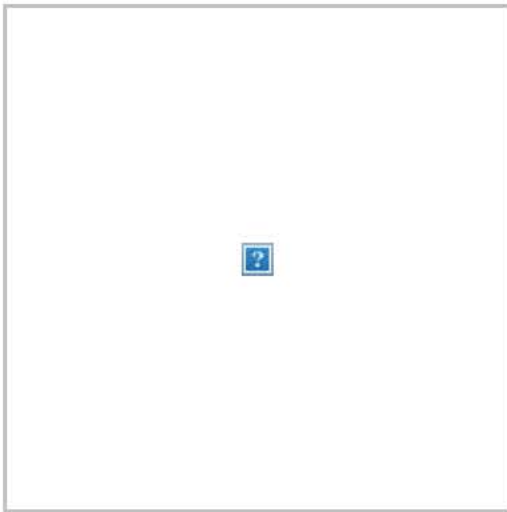


**Feds Must Reveal Names and Dollar Amounts for All PPP Loan Recipients, Judge Orders**

By C. Ryan Barber

U.S. District Judge James Boasberg in Washington found that exceptions under public records law for confidential and... [Read More](#)

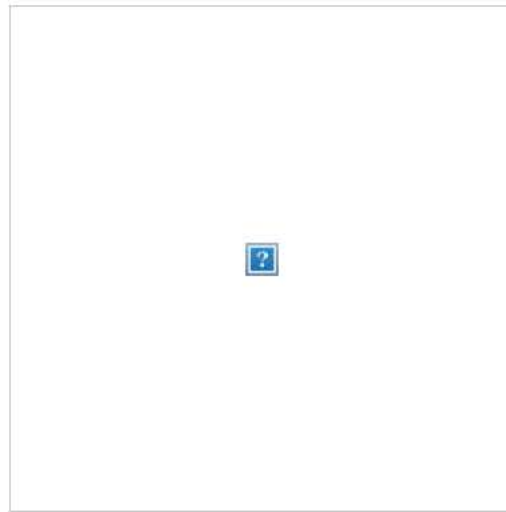
ELECTION AND POLITICAL LAW | NEWS



## **The 2020 Appellate Hot List**

By ALM Staff

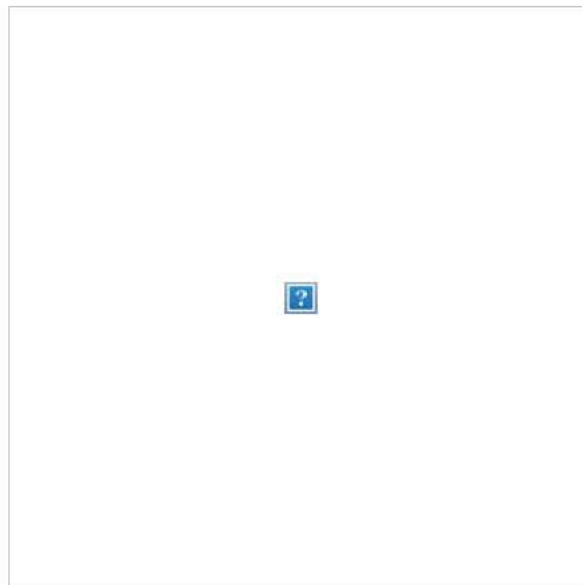
We salute these law firms and lawyers for their success before the U.S. Supreme Court and federal appeals courts. [Read More](#)



## **Read the Letter: GOP-Tapped Ex-US Attorneys Denounce Trump's 'Irresponsible' Election Claims**

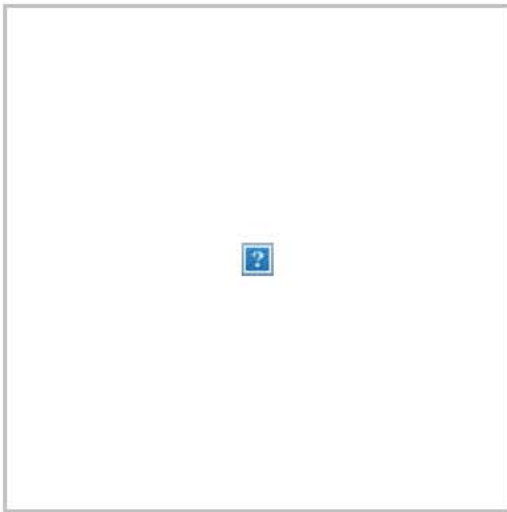
By Jacqueline Thomsen

"Unfounded allegations of fraud and threats to initiate litigation aimed at stopping the vote count are clearly inappropriate... [Read More](#)



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**CONSTITUTIONAL LAW**



### **With Election Slipping Away, Trump's Litigation Strategy May Finally Fail Him**

By Jacqueline Thomsen

"So far the really difficult job of amassing proof that will stand up in court, they have not made public or evident,... [Read More](#)



### **Trump's Lawyers Are 'Wasting Time' Going to Court, Biden Legal Adviser Asserts**

By C. Ryan Barber

"They're just basically wasting time and giving Donald Trump an opportunity to express yet another set of grievances,... [Read More](#)

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**'Make Me Feel Human': Cole Schotz Allegedly Under Attack by Ex-Associate Targeting Big Law | The American Lawyer**

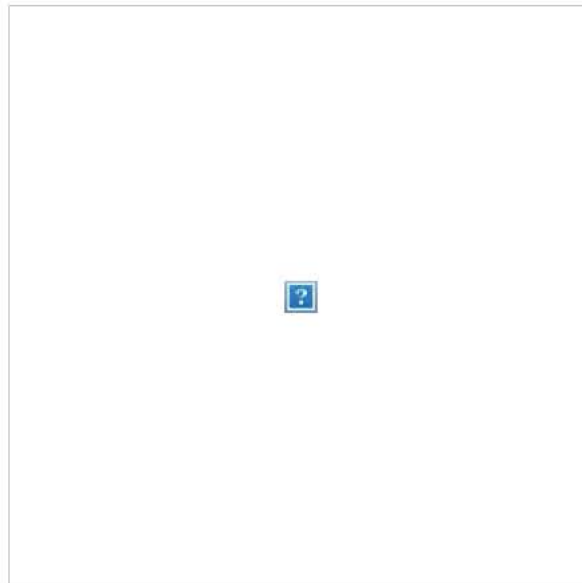
Texas Lawyer

The former bankruptcy associate discusses what appears to be an awakening—and dissatisfaction with his work. [Read More](#)

**'Unusual' Grant of Anonymity to R. Kelly Jurors Will Present Challenge for Defense Team, Observers Say | New York Law Journal**

New York Law Journal

Defense attorney Julie Rendelman described the ruling as “highly unusual” and said she was especially struck by the... [Read More](#)



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**From:** [The National Law Journal Afternoon Update](#)  
**To:** [Gregory Cooke](#)  
**Subject:** Saying She's Receiving "Continuous Harassment," Trump Lawyer Calls for Sanctions Over Phone Call From Kirkland Associate  
**Date:** Monday, November 16, 2020 3:32:52 PM

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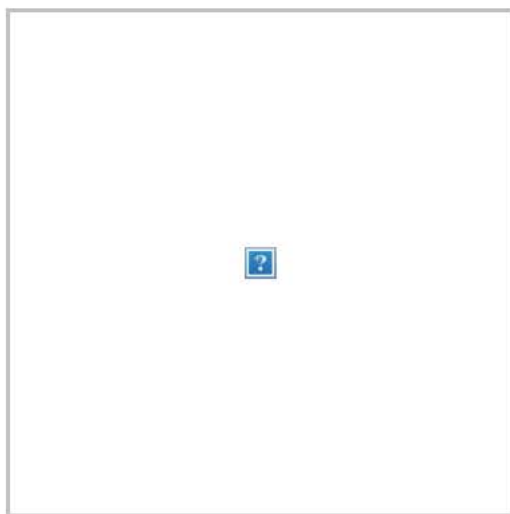
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Nov 16, 2020

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### LEGAL ETHICS AND ATTORNEY DISCIPLINE | NEWS

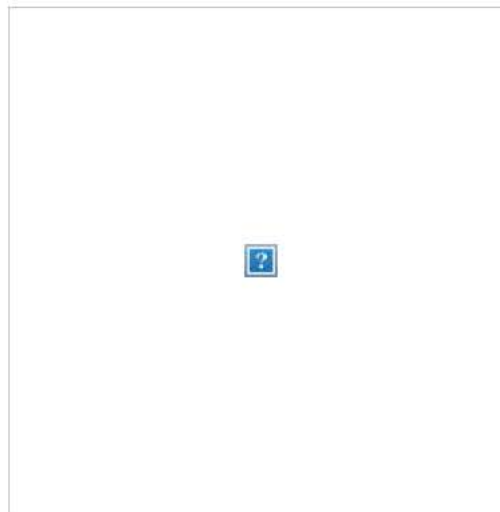


#### **Saying She's Receiving 'Continuous Harassment,' Trump Lawyer Calls for Sanctions Over Phone Call From Kirkland Associate**

By Max Mitchell

The motion asked U.S. District Judge Matthew Brann of the Middle District of Pennsylvania, who is overseeing the case,... [Read More](#)

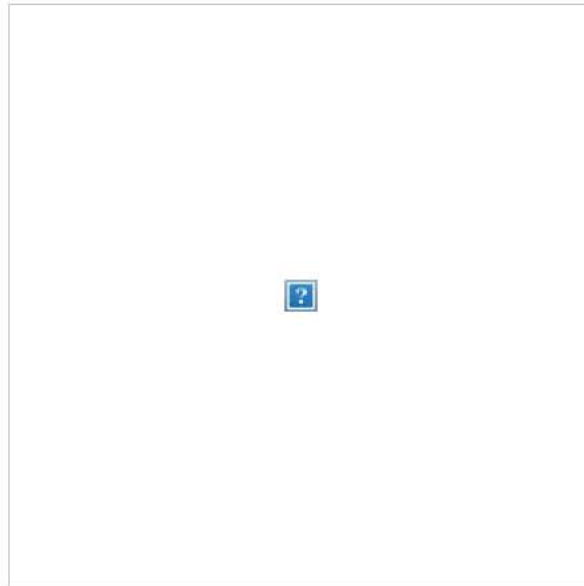
### EMPLOYMENT LAW | NEWS



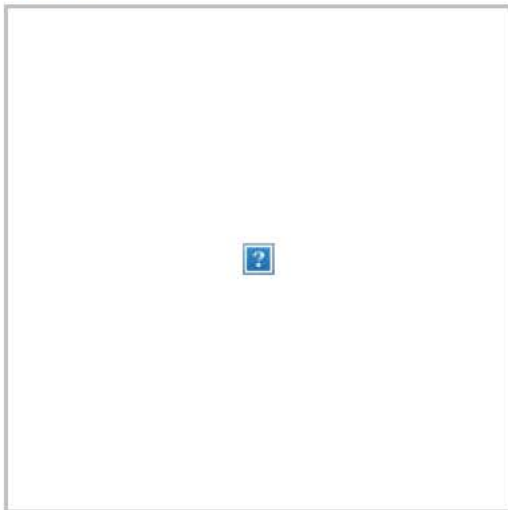
#### **Littler Attorneys Accused of Misappropriating Former Employer's IP**

By Dan Packel

Littler said Monday that it took immediate action after learning of the allegations, which claimed Lance Gibbons and... [Read More](#)



#### COVID-19

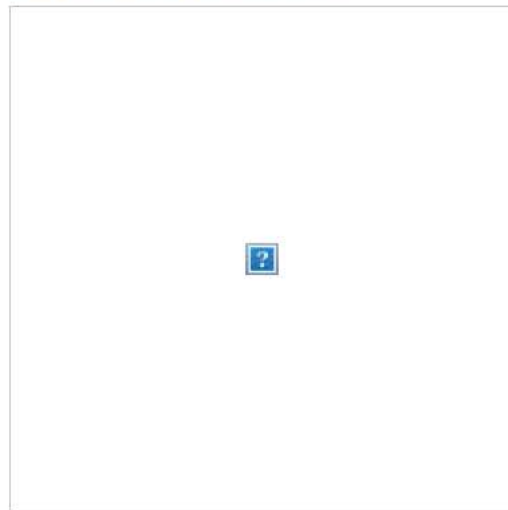


### **In Caustic Speech at Federalist Society, Alito Takes Gloves Off**

By Marcia Coyle

"This speech is like I woke up from a vampire dream. Unscrupulously biased, political, and even angry," one law professor... [Read More](#)

#### ELECTION AND POLITICAL LAW | NEWS



### **Battle for the Presidency: Ongoing Coverage of the Biden Transition Amid Trump and GOP Litigation**

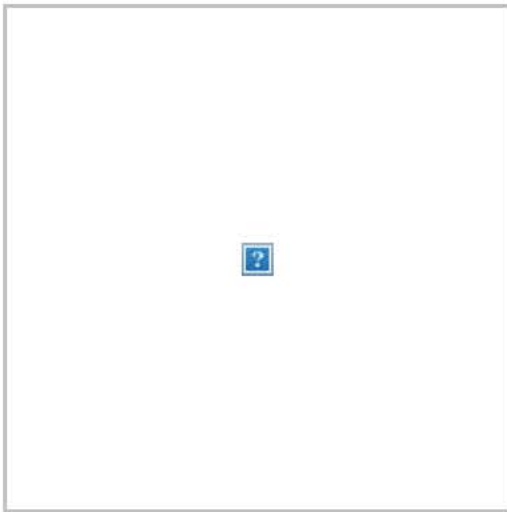
By Law.com Staff

As President-elect Joe Biden continues efforts to push ahead with his transition to the White House amid ongoing challenges... [Read More](#)

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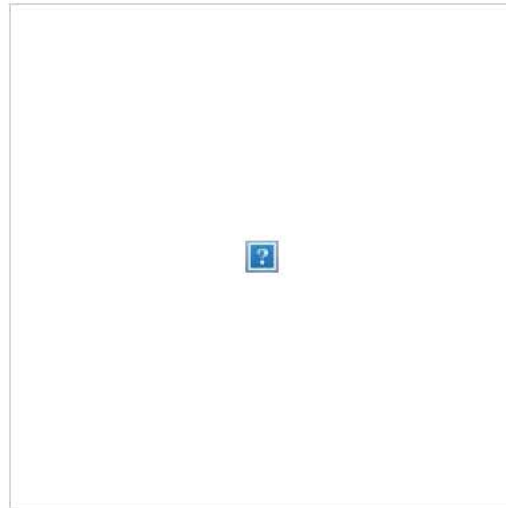




### **Ted Olson, Who Argued Bush v. Gore, Says the 2020 Election 'Is Over'**

By Jacqueline Thomsen

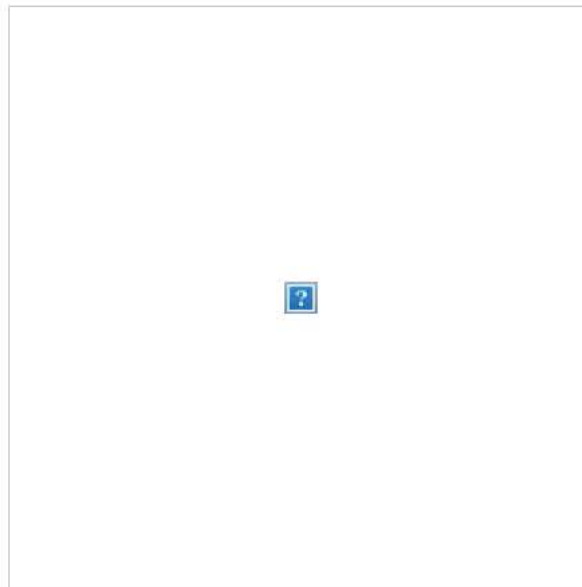
"I do believe the election is over, we do have a new president," Olson said during a panel hosted by the Federalist... [Read More](#)



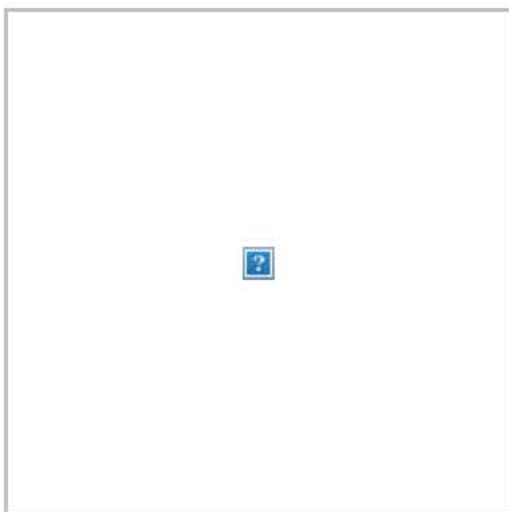
### **Now Is the Time for Bar Associations to Come to the Aid of Their Country**

By Lauren Stiller Rikleen

Our country is at particular peril if its lawyers fail to recognize their unique role in protecting democracy. [Read More](#)



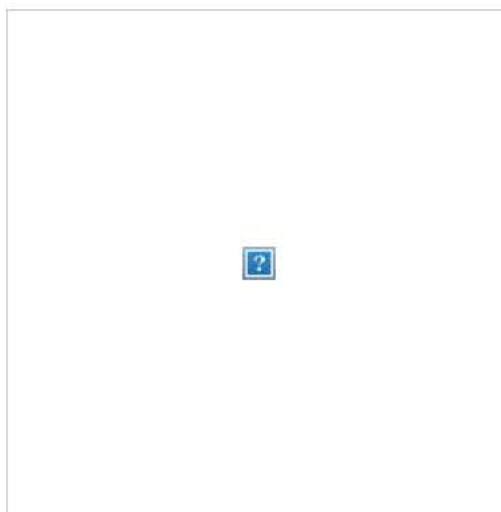




### **Photos: Demonstrators Target Jones Day, King & Spalding Over Election Litigation**

By ALM staff

The firms have faced a public backlash over their involvement in litigation involving mail-in ballots. [Read More](#)



### **Judge Temporarily Pauses PPP Disclosure Order While DOJ Weighs Appeal**

By Mike Scarcella

U.S. District Judge James Boasberg last week ordered the government to provide exact dollar amounts for all PPP loans... [Read More](#)

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Amazon has accused Future Retail of violating a contract by agreeing to be bought

out by Reliance. [Read More](#)

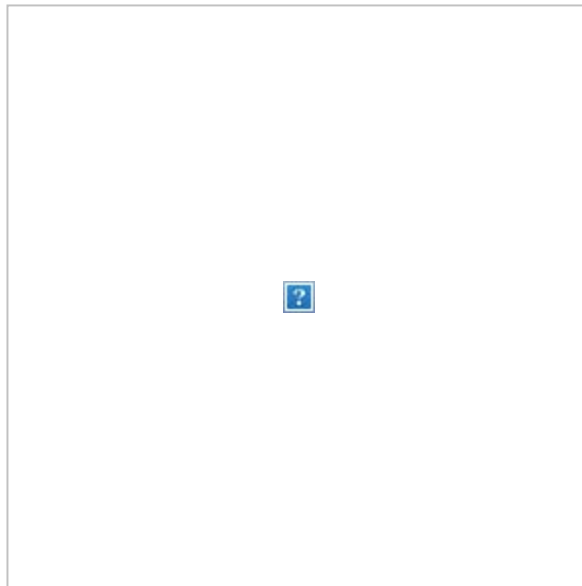
### **What a Biden Administration Means for Law Firms Around the World | Law.com International**

Lawyers say a Biden presidency will have a noticeable impact on global businesses and legal practices in many places.... [Read More](#)

### **BREAKING: Lawyer, Juror Test Positive for COVID-19, Prompting Judge To Pause Federal Trial | Texas Lawyer**

Texas Lawyer

Attorneys from □ogan Lovells and Beck Redden were representing the parties in a jury trial that was placed on hold because... [Read More](#)



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**From:** [CQ Morning Briefing](#)  
**To:** [Gregory Cooke](#)  
**Subject:** Today: Twitter, Facebook leaders testify  
**Date:** Tuesday, November 17, 2020 5:07:03 AM  
**Attachments:** [CQ\\_Morning\\_Briefing-62599.txt](#)

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C ☐ Morning Briefing



By [Erin Bacon](#), CQ

*Good morning. Here's your CQ Morning Briefing for Tuesday, Nov. 17.*

**TOPLINES**

1. **Social media.** The leaders of Facebook and Twitter will testify on how their platforms handled the elections.
2. **Final testimony.** SEC Chairman Jay Clayton, who is taking part in an oversight hearing today, plans to step down this year.
3. **Top priority.** Though their legislation's future is uncertain, House Democrats plan to highlight their campaign finance and election plans again early in the year.
4. **On the radar.** McConnell blasts a troop withdrawal plan, and advocates wonder about the future of Homeland Security policies under Chad Wolf.

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## SCHEDULES

**House:** Convenes at noon to consider 25 measures under suspension of the rules, and to consider a motion to go to conference and a Republican motion to instruct conferees on the fiscal 2021 defense authorization bill ([HR 6395](#)).

**Senate:** Convenes at 10 a.m. to resume consideration of Kristi Haskins Johnson's district judge nomination. At 11 a.m. the Senate is expected to vote on confirmation of the Johnson nomination and a motion to invoke cloture on Benjamin Joel Beaton's district judge nomination. The Senate will then recess until 2:15 p.m. for weekly caucus lunches. If

cloture is invoked on the Beaton nomination, at 2:15 p.m. the Senate will vote on confirmation.

**Committees:** Securities and Exchange Commission Chairman Jay Clayton will testify in a Senate Banking Committee oversight hearing (*10 a.m., remote*), and Facebook CEO Mark Zuckerberg and Twitter CEO Jack Dorsey will testify in a Senate Judiciary Committee hearing (*10 a.m., G-50 Dirksen*). Check [CQ Schedules](#) for up-to-date info on committee meetings.

## FULL BRIEFING

### 1. Zuckerberg, Dorsey under fire for election decisions

Facebook and Twitter's top executives are heading into a Senate Judiciary Committee hearing breaking down how their companies handled the 2020 elections, with neither side satisfied.



Zuckerberg cutouts from a 2018 protest (Tom Williams/CQ Roll Call file photo)

Mark Zuckerberg and Jack Dorsey's preelection appearance before the Senate Commerce, Science and Transportation Committee grew bombastic, and this hearing could go the same way (*10 a.m., G-50 Dirksen*).

Senate Republicans are expected to criticize the social media platforms for how they handled posts, including President Donald Trump's, that contained misinformation. But many Democrats have argued that the approach didn't do enough.

The debate is woven into the issue of whether to change or get rid of



Section 230, language in a 1996 law that shields the social media companies from being sued over how they moderate third-party content.

Lawmakers in both parties have proposed changes to the law to wield more control over the companies, and both President Donald Trump and President-elect Joe Biden have called for a full repeal. They come to that position from different perspectives, however.

Trump has made accusations of widespread anti-conservative bias in the technology industry, while Biden has said the companies aren't doing enough to stop misinformation, hate speech and extremism online.

Dean DeChiaro has more details [here](#).

## **2. Clayton to exit SEC, leaving open spot for Biden to fill**

Securities and Exchange Commission Chairman Jay Clayton is testifying before the Senate Banking Committee the day after he announced he would step down from the position.



Clayton (Bill Clark/CQ Roll Call file photo)

Clayton said Monday he will leave at the end of the year, after spending three and a half years as chairman.

His departure will allow President-elect Joe Biden to nominate his own SEC chairman and bring the agency under Democratic control, Caitlin Reilly [reports](#).

Democrats [had called for](#) Clayton to resign in June, when Attorney General William Barr announced that Clayton would replace Geoffrey Berman as U.S. attorney for the Southern District of New York.

There was confusion over whether Berman was leaving and who had fired him, followed by Berman stepping aside and his deputy, Audrey Strauss, taking over as acting U.S. attorney. In the end Clayton was never nominated for the position.

During Clayton's tenure, the commission pushed through 65 final rules, including Regulation Best Interest in 2019, which required broker-dealers to disclose conflicts of interest and act in the "best interest" of clients when doling out advice.

### **3. Democrats plan to prioritize election, campaign finance legislation**

Speaker [Nancy Pelosi](#) plans to forge ahead with Democrats' campaign finance and elections legislation in the next Congress, though it could once again hit a roadblock in the Senate.

The House passed Democrats' bill ([HR 1](#)) in March 2019, but Senate Majority Leader [Mitch McConnell](#) blocked it in the Senate. That could happen again next session, with Democrats' only chance at a slim Senate majority in two special elections in Georgia.

"We don't know when and how the opportunity to move this will present itself, but the key is to be ready," said Rep. [John Sarbanes](#), D-Md., the lead sponsor of the bill, in a Monday call with reporters.

"The strategy is to keep pointing out that McConnell is the one blocking the bill," he said. McConnell reiterated his opposition in a Monday



statement.

The legislation House Democrats plan to move next year would be similar to the 2019 bill. It would institute same-day voter registration and early voting nationwide, impose new ethics requirements on government officials and set up a campaign contribution matching program with government funding, among other provisions.

Kate Ackley has the story [here](#).

#### ON THE RADAR: TROOP WITHDRAWALS AND DHS LEGAL CHALLENGES

**Security pushback:** In a Monday floor speech, Senate Majority Leader [Mitch McConnell](#) rebuked the idea of speeding up troop withdrawals from Afghanistan and Iraq, as President Donald Trump is reportedly planning.



McConnell (Tom Williams/CQ Roll Call)

Trump is considering cutting by Jan. 15 the roughly 4,500 U.S. troops in Afghanistan to 2,500 and reducing their numbers in Iraq from 3,000 down to 2,500, John M. Donnelly [reports](#).

McConnell was one of the few members in either party to speak out publicly Monday. The U.S. retreat "would be broadcast around the world as a symbol of U.S. defeat and humiliation and of victory for Islamic extremism," he said.

**DHS dominoes:** Advocates are wondering whether other Homeland Security policies enacted under acting Secretary Chad Wolf could be undone in court after a federal judge ruled Saturday that Wolf didn't

have the authority to block the processing of new applications to the Deferred Action for Childhood Arrivals program.

The same logic could apply to legal challenges to government fee increases in citizenship applications as well as a first-ever charge on asylum applicants, Camila DeChalus [reports](#). And listen up: She's got a Policy Brief on the matter [here](#).

*Let me know what you think of the newsletter by tweeting [@erindbacon](#) or emailing [erinbacon@cqrollcall.com](mailto:erinbacon@cqrollcall.com).*



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**From:** [The National Law Journal Newsroom Updates](#)  
**To:** [Gregory Cooke](#)  
**Subject:** Trump's Lawyers Are "Wasting Time" Going to Court, Biden Legal Adviser Asserts  
**Date:** Wednesday, November 4, 2020 2:42:04 PM

---

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## The National Law Journal Breaking News

Nov 04, 2020

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### **Trump's Lawyers Are 'Wasting Time' Going to Court, Biden Legal Adviser Asserts**

"They're just basically wasting time and giving Donald Trump an opportunity to express yet another set of grievances,..." [Read More](#)





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150 E 42nd St | New York, NY 10017 | 1-877-256-2472

**From:** [The National Law Journal Newsroom Update](#)  
**To:** [Gregory Cooke](#)  
**Subject:** Who Are Trump's Election Litigation Lawyers?  
**Date:** Friday, November 6, 2020 4:50:49 PM

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## The National Law Journal Newsroom Update

Nov 06, 2020

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### ELECTION AND POLITICAL LAW

#### **Who Are Trump's Election Litigation Lawyers?**

By Dan Roe

While Am Law 200 firm Porter Wright Morris & Arthur is in some litigation, other large firms are not playing a prominent... [Read More](#)





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**From:** [The National Law Journal Newsroom Update](#)  
**To:** [Gregory Cooke](#)  
**Subject:** With Election Slipping Away, Trump's Litigation Strategy May Finally Fail Him  
**Date:** Friday, November 6, 2020 11:38:27 AM

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## The National Law Journal Newsroom Update

Nov 06, 2020

POWERED BY LAW.COM



ELECTION AND POLITICAL LAW | NEWS

### **With Election Slipping Away, Trump's Litigation Strategy May Finally Fail Him**

By Jacqueline Thomsen

"So far the really difficult job of amassing proof that will stand up in court, they have not made public or evident,... [Read More](#)







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**From:** [POLITICO Pro](#)  
**To:** [Gregory Cooke](#)  
**Subject:** You're Invited | POLITICO Pro Briefing: How are the Biden and Trump transition teams preparing post election plans?  
**Date:** Monday, November 9, 2020 11:03:26 AM

---



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Dear Gregory,

After record-breaking voter turnout, days of counting ballots, and razor-thin margins in key battleground states, Democratic candidate Joseph Biden crossed the 270-electoral vote threshold to become President-elect of the United States of America. President Trump's campaign has not conceded and seeks to contest results in the courts.

Their campaigns get the most attention, but major-party candidates must also prepare transition teams to plan for the transfer of executive power. Presidential transition teams cover the personnel decisions, policy planning, and logistical coordination to transfer power smoothly and keep the gears of government turning.

How will the contested nature of the 2020 Election impact the transition process? What do we know about where transition teams currently stand? Join POLITICO Pro reporters as they discuss the presidential transition process and the decisions that will play out in the coming months.

**Register**

**Note:** We have updated our registration process. You must be log in to POLITICO Pro in order to complete the registration form.

**Conference Call Details:**

- Thursday, November 12th, 2020
- 11:00 a.m. EST - 12:00 p.m. EST
- Exclusive to POLITICO Pro subscribers
- Q&A session will be held at the end of the call



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POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

**From:** [Todd Shields \(BLOOMBERG/ WASHINGTON\)](#)  
**To:** [Brian Hart](#)  
**Subject:** \*if\* Simongton joins FCC ...  
**Date:** Tuesday, November 10, 2020 9:27:24 AM

---

(hi Brian) ... will chairman move to quickly implement Section 230 review?  
thanks/ts

Todd Shields / reporter / Bloomberg News / (202) 807-2075 or cell (443) 223-6008

---

Todd Shields  
Bloomberg News □reporter - Washington  
(202□807-2075 (office□  
-- [www.bloomberg.net](http://www.bloomberg.net) --  
@TShields□

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**From:** [Evan Swarztrauber](#)  
**To:** [Ajit Pai](#); [Matthew Berry](#); [Nicholas Degani](#); [Thomas Johnson](#); [Brian Hart](#); [Anne Veigle](#)  
**Cc:** [Preston Wise](#)  
**Subject:** A different kind of press prep  
**Date:** Wednesday, November 18, 2020 12:02:08 PM

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(b) (5)

A large rectangular area of the email body is completely redacted with a solid black box. The redaction covers approximately four lines of text.

**Evan Swarztrauber**

Policy Advisor  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(202) 418-2261 (o)  
(202) 870-8405 (m)  
Twitter: @EvanS\_FCC

**From:** [Margaret McGill](#)  
**To:** [Brian Hart](#); [Anne Veigle](#)  
**Subject:** Axios ask on Chairman Pai future  
**Date:** Thursday, November 12, 2020 2:05:58 PM

---

Hi all,

Hope you're both doing well! I'm getting back into the swing of things this week, and am working on a story about what the FCC could look like in January.

I'm planning to report that Chairman Pai is expected to leave the agency before inauguration, based on conversations I've had with sources. Can you confirm or offer any guidance or comment?

The premise of my story is that Nathan Simington faces a near impossible path to FCC confirmation, despite pressure from President Trump and the appeal to Republicans of starting a Biden administration with a 2-2 FCC.

That of course assumes that Chairman Pai is leaving (and Commissioner O'Rielly as well). Let me know what you can, especially if I should assume otherwise!

— Margaret

--



**Margaret Harding McGill**

Technology reporter

[margaret.mcgill@axios.com](mailto:margaret.mcgill@axios.com) (571) 982-0559

**From:** [FCC Office of Media Relations](#)  
**Subject:** BLOG: Chairman Pai Outlines Agenda for December Open Meeting  
**Date:** Wednesday, November 18, 2020 3:03:29 PM

---

Below, please find FCC Chairman Ajit Pai's new blog post outlining the agenda for next month's Open Commission Meeting.

### **To Safe and Secure Holidays . . . and Networks**

By FCC Chairman Ajit Pai

Every month, I use this platform to tout the items on the FCC's upcoming monthly meeting agenda and explain how they will help to address key challenges facing our country. For our December 2020 meeting, it's not just me saying that the Commission is dealing with some heady issues. Last week, National Security Advisor Robert O'Brien gave [an interview](#) in which he said the "number one concern" for democracy at home and abroad is the integrity of our communications networks. In particular, he warned that installing equipment from Chinese firms in the backbone of our 5G networks could give the Communist Chinese government "backdoors to pull up every bit of data in the world."

I agree wholeheartedly. Or, as I'm fond of quipping on Twitter, "[you don't say](#)." The FCC recognizes this threat and has taken a series of actions to secure the integrity of the communications supply chain. Specifically, the FCC voted to prohibit the use of money from our Universal Service Fund to purchase or obtain any equipment or services produced or provided by companies posing a national security threat, including the world's largest global 5G supplier — Huawei. We also started a process to identify and catalog insecure equipment used in USF-funded communications networks, with an eye to implementing a program to remove and replace it. More recently, we hosted a forum on Open Radio Access Networks, or Open RANs, which could transform 5G network architecture, costs, and security.

This December, the Commission will have the opportunity to build on this progress and take critical next steps toward securing our communications networks. We will be voting on an Order implementing the Secure and Trusted Communications Networks Act of 2019. These new rules would establish the procedures and criteria for publishing a list of the communications equipment and services that pose an unacceptable risk to the national security of the United States. They would then require eligible telecommunications carriers to remove and replace such equipment from their networks, and would establish the Secure and Trusted Communications Networks Reimbursement Program to subsidize smaller carriers to remove and replace such equipment. Moreover, to ensure we are informed about the ongoing presence of insecure equipment in communications networks, the rules would also mandate strict reporting requirements.

Our December agenda will feature two additional national security matters, which I am unable to discuss in detail at this time.

Just as the Commission wants to stop the deployment of technologies that could undermine the security of our communications networks, we want to accelerate the development of new technologies that could help grow our economy and improve our quality of life. Every day, pretty

much every American uses multiple devices or gadgets that were approved through the FCC's equipment authorization program, whether it's your cellphone, your laptop, or your Wi-Fi router. This authorization process offers consumers assurance that their devices will work as intended and operate free from harmful interference.

As the pace of innovation has increased in the Internet age and product development cycles have accelerated, our equipment authorization rules in some ways have failed to keep pace. In particular, our rules limit the ability of device manufacturers to market and import radiofrequency devices in the most efficient and cost-effective ways possible. That's why I'm proposing targeted enhancements to our equipment authorization rules to make sure the newest technologies and must-have devices reach consumers as quickly as possible while still meeting our substantive standards.

Next up on our December agenda is a proposal to encourage the deployment of services using ATSC 3.0 — the "[next generation](#)" broadcast television standard. The rollout of ATSC 3.0 is well under way, with stations in a dozen markets licensed to transmit in this new standard, and twenty ATSC 3.0 compatible televisions set to be available for sale this year. The new standard promises to finally realize the potential for broadcast spectrum capacity to support so-called "Broadcast Internet" services — digital services beyond traditional over-the-air video, integrated into the broadband ecosystem. This December, the Commission will vote on a Report and Order that clarifies and updates the regulatory landscape in order to foster the efficient and robust use of broadcast spectrum capacity for the provision of such services. Specifically, it clarifies the basis on which to calculate ancillary and supplementary service fees, which are an assessment on the revenues earned by television stations from such services that we are required by statute to collect. It also retains the existing standard of derogation of broadcast service, while amending the rule to eliminate an outdated reference to analog television. And although the Report and Order generally declines at this time to adjust the 5% fee imposed on ancillary and supplementary services, it does lower the fee to 2.5% for noncommercial educational stations, which are uniquely positioned to take full advantage of the possibilities of Broadcast Internet, for nonprofit, noncommercial, educational services.

With Thanksgiving around the corner, it's only fitting that I conclude by thanking all the staff who have worked on these items. More broadly, I will be forever grateful to all the members of the FCC family who have gone above and beyond to serve the American people in unprecedented conditions during an unforgettable year. Here's wishing my colleagues and all of you a [Happy Thanksgiving](#).

**From:** [Ajit Pai](#)  
**To:** [Brian Hart](#); [Matthew Berry](#); [Nicholas Deqani](#); [Paul Jackson](#); [Evan Swarztrauber](#)  
**Subject:** Draft  
**Date:** Friday, November 27, 2020 2:13:20 PM  
**Attachments:** [Adios!.docx](#)  
**Importance:** High

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(b) (5)

[Redacted]

[Redacted]

**From:** [FCC Office of Media Relations](#)  
**Subject:** FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC  
**Date:** Monday, November 30, 2020 10:39:27 AM  
**Attachments:** [image001.jpg](#)

---



**Media Contact:**

Brian Hart, (202) 418-0505  
[brian.hart@fcc.gov](mailto:brian.hart@fcc.gov)

**For Immediate Release**

## **CHAIRMAN PAI ANNOUNCES HIS INTENT TO DEPART FCC**

WASHINGTON, November 30, 2020—Today, Federal Communications Commission Chairman Ajit Pai announced that he intends to leave the Federal Communications Commission on January 20, 2021. Chairman Pai issued the following statement:

“It has been the honor of a lifetime to serve at the Federal Communications Commission, including as Chairman of the FCC over the past four years. I am grateful to President Trump for giving me the opportunity to lead the agency in 2017, to President Obama for appointing me as a Commissioner in 2012, and to Senate Majority Leader McConnell and the Senate for twice confirming me. To be the first Asian-American to chair the FCC has been a particular privilege. As I often say: only in America.

“I also deeply appreciate the chance to have worked alongside the FCC’s talented staff. They are the agency’s best assets, and they have performed heroically, especially during the pandemic. It’s also been an honor to work with my fellow Commissioners to execute a strong and broad agenda. Together, we’ve delivered for the American people over the past four years: closing the digital divide; promoting innovation and competition, from 5G on the ground to broadband from space; protecting consumers; and advancing public safety. And this FCC has not shied away from making tough choices. As a result, our nation’s communications networks are now faster, stronger, and more widely deployed than ever before.

“I am proud of how productive this Commission has been, from commencing five spectrum auctions and two rural broadband reverse auctions in four years, to opening 1,245 megahertz of mid-band spectrum for unlicensed use, to adopting more than 25 orders through our Modernization of Media Regulation Initiative, to aggressively protecting our communications networks from national security threats at home and abroad, to designating 988 as the three-digit number for the National Suicide Prevention Lifeline, and much, much more. I’m also proud of the reforms we have instituted to make the agency more accountable to the American people. In particular, for the first time ever, we’ve made public drafts of the proposals and orders slated for a vote three weeks before the agency’s monthly meetings, making this the most transparent FCC in history.

“Last but not least, I want to thank my family for all they have done to enable me to serve at the agency. The public service of one generally results from the private sacrifice of many, and I’m



grateful for their love and support.”

###

**Office of Chairman Pai: (202) 418-1000 / Twitter: @AjitPaiFCC / [www.fcc.gov/leadership/ajit-pai](http://www.fcc.gov/leadership/ajit-pai)**

*This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).*

**From:** [Brian Hart](#)  
**To:** [Montana L. Hyde](#)  
**Subject:** Fw: Arranging a Reason TV interview with Chairman Pai  
**Date:** Wednesday, November 18, 2020 8:02:13 AM

---

Can you please put this on Ajit's calendar?

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Tuesday, November 17, 2020 11:48 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Hi guys,

Looking forward to talking with the chairman tomorrow at 3pm ET/12 noon PT. Here's the Zoom link:

<https://reason.zoom.us/j/4845143735> (Passcode: (b) (6) )

Thanks much!

\*\*\*\*\*

Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

On Fri, Nov 13, 2020 at 8:59 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

Thank you. The chairman is his own tech support from his house. He's got a good spot/backdrop with decent ambient lighting. He's on zoom often and is pretty well versed. But Montana and I are happy to help if there is anything we can do ahead of time.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Friday, November 13, 2020 11:46:53 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

yes, that works--Wednesday November 18, 3pm ET/12 noon pt, via Zoom. If we can squeeze a few more minutes out of Chairman Pai, all the better!

This will be via Zoom. I'll send a link the day before and will send out topics either later today or Monday.

Do you have tech people I can connect my video producers with? We want to make sure everything looks and sounds as good as possible.

Thanks,

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Fri, Nov 13, 2020 at 5:42 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

Yes sir. Copying Montana to confirm that time still works.

Wednesday Nov 18

3p-3:30p EST

Zoom video interview

That all correct/work?

Can Can you please send over a general sense of the topics and questions you want to go over?

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Thursday, November 12, 2020 11:30 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

That's great! 3pm ET, right?

\*\*\*\*\*

nick gillespie

editor at large, reason

[gillespie@reason.com](mailto:gillespie@reason.com)

513.255.5151

5 bleecker street, 4f

ny, ny 10012

On Thu, Nov 12, 2020, 6:12 PM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

3p Wednesday Nov 18?

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Wednesday, November 11, 2020 11:20:03 AM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Thanks very much!

Nick

\*\*\*\*\*

Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

On Wed, Nov 11, 2020 at 8:07 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:  
The chairman is off for the rest of the week, and the rest of the commission is off today for veterans day. I'll try to check on this tomorrow with his scheduler. But won't be able to confirm with him until early next week.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Wednesday, November 11, 2020 11:05:29 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Brian,

Sorry for the non-responsiveness. What if anything is possible tomorrow or Friday or any day next week? I realize doing it before the award program may not be possible, and that's ok.

Thanks,

Nick  
\*\*\*\*\*

Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

On Mon, Nov 2, 2020 at 11:01 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:  
Any of these blocks of time work for 30-40 minutes?

- 11/9: 10:00am—2:00pm
- 11/10: 10:00am—2:00pm or after 3:30pm

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Thursday, October 29, 2020 7:19 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Great.

Ideally, we'll do the interview via Zoom, yes.

Please keep me posted!

Thanks,

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Thu, Oct 29, 2020 at 4:08 PM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

Hey Nick. This should work. I'll get with the chairman scheduler to see what days and times work. You OK doing the interview over video chat? We are not back in our offices yet.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Thursday, October 29, 2020 6:49 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Hi Brian, following up on this! Please let me know your thoughts.

Thanks,

Nick

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Mon, Oct 19, 2020 at 12:21 PM Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)> wrote:

Hi Brian,

I'm writing to arrange an interview with Chairman Pai in anticipation of his receiving Reason Foundation's Savas Award on November 19.

Ideally, we'd conduct the interview via Zoom for about 30 to 40 minutes sometime during the week of November 9 through November 13 (we're hoping to release the video and audio versions of the interview just before the awards ceremony).

Is that doable? Is there more information I can supply that will help you make a decision? Please let me know.

Thanks--

Nick

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

**From:** [Brian Hart](#)  
**To:** [Ajit Pai](#)  
**Cc:** [Matthew Berry](#); [Nicholas Degani](#); [Evan Swartztrauber](#); [Montana L. Hyde](#)  
**Subject:** Fw: Arranging a Reason TV interview with Chairman Pai  
**Date:** Wednesday, November 18, 2020 12:43:15 PM

---

See below for the general questions that Nick Gillespie will ask on your Reason interview this afternoon.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Wednesday, November 18, 2020 12:30 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Yes:

1. Explain how his term as chairman plays out (short description of what happens between now and the Biden administration appointing a new chairman).
2. I'll ask him to reflect on his legacy as chairman. What is he most proud of, and what work on his agenda still needs to be done?
3. We'll probably already discuss this as part of 2, but if not: What does the battle over Net Neutrality say about the strength of the internet to deliver information and content apart from specific governmental policies?
4. What are his thoughts on Section 230 reform, which he talks about in his October 15 statement?
5. What are the main threats to freedom of expression on the internet and in other areas governed by the FCC? What are the main bright spots?

\*\*\*\*\*

Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

**From:** [Brian Hart](#)  
**To:** [Ajit Pai](#)  
**Subject:** Fw: Arranging a Reason TV interview with Chairman Pai  
**Date:** Wednesday, November 18, 2020 9:19:21 AM

---

Reminder: Reason Magazine Zoom interview today at 3p. I've asked Montana to put in your calendar.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Tuesday, November 17, 2020 11:48 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Hi guys,

Looking forward to talking with the chairman tomorrow at 3pm ET/12 noon PT. Here's the Zoom link:

<https://reason.zoom.us/j/4845143735> (Passcode: (b) (6) )

Thanks much!  
\*\*\*\*\*

Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

On Fri, Nov 13, 2020 at 8:59 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

Thank you. The chairman is his own tech support from his house. He's got a good spot/backdrop with decent ambient lighting. He's on zoom often and is pretty well versed. But Montana and I are happy to help if there is anything we can do ahead of time.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Friday, November 13, 2020 11:46:53 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

yes, that works--Wednesday November 18, 3pm ET/12 noon pt, via Zoom. If we can squeeze a few more minutes out of Chairman Pai, all the better!

This will be via Zoom. I'll send a link the day before and will send out topics either later today or Monday.

Do you have tech people I can connect my video producers with? We want to make sure



everything looks and sounds as good as possible.

Thanks,

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Fri, Nov 13, 2020 at 5:42 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

Yes sir. Copying Montana to confirm that time still works.

Wednesday Nov 18

3p-3:30p EST

Zoom video interview

That all correct/work?

Can Can you please send over a general sense of the topics and questions you want to go over?

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Thursday, November 12, 2020 11:30 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

That's great! 3pm ET, right?

\*\*\*\*\*

nick gillespie

editor at large, reason

[gillespie@reason.com](mailto:gillespie@reason.com)

513.255.5151

5 bleecker street, 4f

ny, ny 10012

On Thu, Nov 12, 2020, 6:12 PM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

3p Wednesday Nov 18?

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Wednesday, November 11, 2020 11:20:03 AM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Thanks very much!

Nick

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Wed, Nov 11, 2020 at 8:07 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

The chairman is off for the rest of the week, and the rest of the commission is off today for veterans day. I'll try to check on this tomorrow with his scheduler. But won't be able to confirm with him until early next week.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Wednesday, November 11, 2020 11:05:29 AM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Brian,

Sorry for the non-responsiveness. What if anything is possible tomorrow or Friday or any day next week? I realize doing it before the award program may not be possible, and that's ok.

Thanks,

Nick

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Mon, Nov 2, 2020 at 11:01 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

Any of these blocks of time work for 30-40 minutes?

- 11/9: 10:00am—2:00pm
- 11/10: 10:00am—2:00pm or after 3:30pm

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Thursday, October 29, 2020 7:19 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Great.

Ideally, we'll do the interview via Zoom, yes.

Please keep me posted!

Thanks,

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Thu, Oct 29, 2020 at 4:08 PM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

Hey Nick. This should work. I'll get with the chairman scheduler to see what days and times work. You OK doing the interview over video chat? We are not back in our offices yet.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Thursday, October 29, 2020 6:49 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Hi Brian, following up on this! Please let me know your thoughts.

Thanks,

Nick

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Mon, Oct 19, 2020 at 12:21 PM Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)> wrote:

Hi Brian,

I'm writing to arrange an interview with Chairman Pai in anticipation of his receiving Reason Foundation's Savas Award on November 19.

Ideally, we'd conduct the interview via Zoom for about 30 to 40 minutes sometime during the week of November 9 through November 13 (we're hoping to release the video and audio versions of the interview just before the awards ceremony).

Is that doable? Is there more information I can supply that will help you make a decision? Please let me know.

Thanks--

Nick

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

**From:** [Will Wiquist](#)  
**To:** [Brian Hart](#)  
**Subject:** FW: checking for comment ...  
**Date:** Wednesday, November 4, 2020 3:45:29 PM

---

(b) (5)

A large black rectangular redaction box covers the majority of the content in this section. The text "(b) (5)" is visible at the top left of the redacted area.

---

**From:** Buskirk, Howard <[hbuskirk@warren-news.com](mailto:hbuskirk@warren-news.com)>  
**Sent:** Wednesday, November 4, 2020 3:38 PM  
**To:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Subject:** checking for comment ...

The still undecided presidential election is likely to create a murky environment for the FCC and Chairman Ajit Pai, at least until all the votes are counted and court cases and recounts resolved, experts said. The situation is reminiscent of 2000, when George W. Bush's election wasn't clear until more than a month after the election. At our deadline Joe Biden was ahead in swing states but President Donald Trump still has a potential path to victory.

In 2000, then Chairman William Kennard did an admirable job of keeping things moving, despite uncertainty, but the FCC was less politically charged at the time and he faced an easier task, FCC veterans said. Chairman Ajit Pai has long been expected to exit early next year regardless of what happens, but hasn't confirmed that.

If Trump wins, "it will be business as usual" and the Senate will vote on Nathan Simington's nomination to replace Mike O'Rielly as commissioner, said Phoenix Center President Lawrence Spiwak, who was an FCC staffer 20 years ago. Spiwak noted that the FCC then was less political then with fewer high-profile public interest groups active in proceeding. Spiwak said regardless of the size of the victory a Biden FCC will likely immediately reengage on net neutrality.

Howard Buskirk

Executive Senior Editor

Communications Daily

703-598-1800

**From:** [Brian Hart](#)  
**To:** [Katie Gorscak](#)  
**Subject:** Fw: Draft  
**Date:** Monday, November 30, 2020 9:34:48 AM

---

---

**From:** Nicholas Degani <Nicholas.Degani@fcc.gov>  
**Sent:** Monday, November 30, 2020 9:33 AM  
**To:** Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>  
**Subject:** RE: Draft

(b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]

---

**From:** Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>  
**Sent:** Monday, November 30, 2020 6:31 AM  
**To:** Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>  
**Subject:** Re: Draft

(b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

**Evan Swarztrauber**  
Policy Advisor  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(202) 418-2261 (o)  
(202) 870-8405 (m)  
Twitter: @EvanS\_FCC

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](#)>  
**Sent:** Monday, November 30, 2020 9:28 AM

**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Re: Draft

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>

**Sent:** Monday, November 30, 2020 9:22 AM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** RE: Draft

(b) (5)

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Sent:** Monday, November 30, 2020 6:02 AM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Re: Draft

OK to put this on template now? Any thoughts on time of release? 10:30a?

---

**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Sent:** Monday, November 30, 2020 8:20 AM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Re: Draft

(b) (5)

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Saturday, November 28, 2020 2:24 PM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Re: Draft

(b) (5)

---

**From:** "Ajit Pai" <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Date:** Saturday, November 28, 2020 at 2:03:52 PM

**To:** "Matthew Berry" <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>, "Brian Hart" <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>, "Nicholas Degani" <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>, "Paul Jackson" <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>, "Evan Swarztrauber" <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Re: Draft

(b) (5)

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Saturday, November 28, 2020 12:58 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Re: Draft

(b) (5)

---

**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Sent:** Friday, November 27, 2020 2:35 PM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Re: Draft

(b) (5)

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(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Sent:** Friday, November 27, 2020 2:13:18 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Draft

(b) (5) [Redacted]

(b) (5) [Redacted]

[Redacted]

**From:** [Paul Jackson](#)  
**To:** [Brian Hart](#)  
**Subject:** Fw: Draft  
**Date:** Thursday, November 5, 2020 9:52:20 PM

---

(b) (5)



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**From:** Brian Hart <Brian.Hart@fcc.gov>  
**Sent:** Tuesday, August 4, 2020 10:11 AM  
**To:** Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>  
**Subject:** Draft

(b) (5)



**From:** [Brian Hart](#)  
**To:** [Ajit Pai](#); [Matthew Berry](#); [Nicholas Degani](#); [Paul Jackson](#)  
**Subject:** Fw: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Tuesday, November 10, 2020 3:29:37 PM

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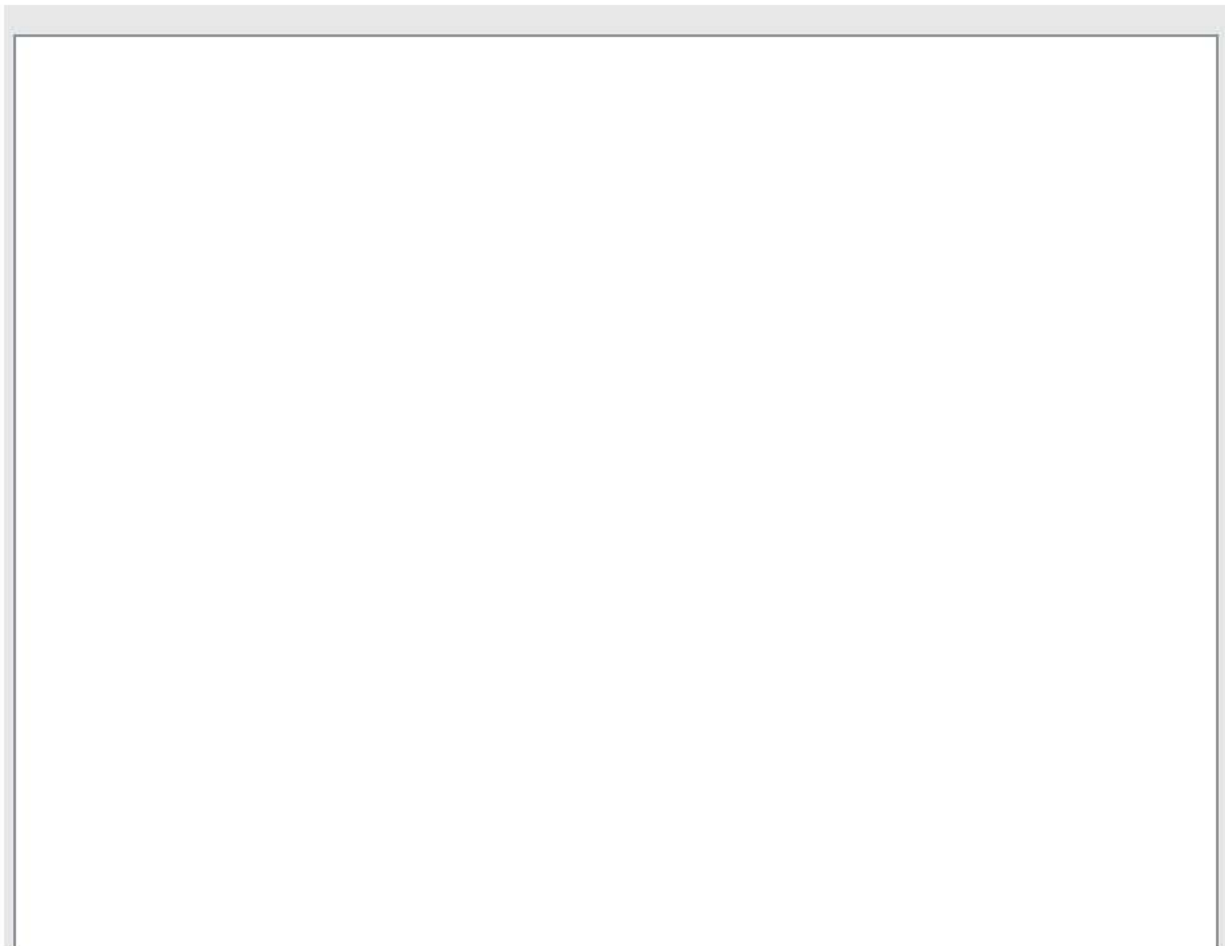
(b) (5)

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**From:** Paul Jackson <Paul.Jackson@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 3:21 PM  
**To:** Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>  
**Subject:** Fw: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

---

**From:** Energy & Commerce News <ecdemnews@ecdem.housecommunications.gov>  
**Sent:** Tuesday, November 10, 2020 3:17 PM  
**To:** Paul Jackson <Paul.Jackson@fcc.gov>  
**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results



FOR IMMEDIATE RELEASE  
November 10, 2020

CONTACT  
[Elysa Montfort](#) (202) 225-5735

## **E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results**

**Washington, D.C.** – Energy and Commerce Committee leaders today wrote to Federal Communications Commission (FCC) Chairman Ajit Pai and Federal Trade Commission (FTC) Chairman Joseph Simons demanding that the two commissions stop work on all partisan or controversial items currently under consideration in light of the results of last week's presidential election.

**"With the results of the 2020 presidential election now apparent, leadership of the FTC will undoubtedly be changing,"** Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) and Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky (D-IL) wrote in a letter to the FTC. **"As a traditional part of the transfer of power — and as part of our oversight responsibilities — we strongly urge the agency to only pursue consensus and administrative matters that are non-partisan for the remainder of your tenure."**

Pallone and Communications and Technology Subcommittee Chairman Mike Doyle (D-PA) expressed

the same sentiment in their letter to the FCC, adding: “We note that you have previously welcomed calls from congressional leaders for the FCC to ‘halt further action on controversial items during the transition period.’ We hope you will respect this time-honored tradition now.”

In both letters, the Committee leaders acknowledge there are likely a number of consensus matters for the two commissions to carry out and the lawmakers encourage them to do so quickly.

The letter to FTC is available [HERE](#) and the letter to FCC is available [HERE](#).

###

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[Unsubscribe paul.jackson@fcc.gov](mailto:paul.jackson@fcc.gov)

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**From:** [Kirby, Paul](#)  
**To:** [Will Wiquist](#); [Anne Veigle](#); [Brian Hart](#)  
**Subject:** FW: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Tuesday, November 10, 2020 3:28:46 PM

---

Would you like to comment on this? Thanks.

**From:** Energy & Commerce News <ecdemnews@ecdem.housecommunications.gov>  
**Sent:** Tuesday, November 10, 2020 3:18 PM  
**To:** Kirby, Paul <paul.kirby@wolterskluwer.com>  
**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

**Caution, this email may be from a sender outside Wolters Kluwer. Verify the sender and know the content is safe.**



FOR IMMEDIATE RELEASE

November 10, 2020

CONTACT

[Elvsa Montfort](#) (202) 225-5735

## **E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results**

**Washington, D.C.** – Energy and Commerce Committee leaders today wrote to Federal Communications Commission (FCC) Chairman Ajit Pai and Federal Trade Commission (FTC) Chairman Joseph Simons demanding that the two commissions stop work on all partisan or controversial items currently under consideration in light of the results of last week’s presidential election.

**“With the results of the 2020 presidential election now apparent, leadership of the FTC will undoubtedly be changing,”** Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) and Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky (D-IL) wrote in a letter to the FTC. **“As a traditional part of the transfer of power — and as part of our oversight responsibilities**



— we strongly urge the agency to only pursue consensus and administrative matters that are non-partisan for the remainder of your tenure.”

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In both letters, the Committee leaders acknowledge there are likely a number of consensus matters for the two commissions to carry out and the lawmakers encourage them to do so quickly.

The letter to FTC is available [HERE](#) and the letter to FCC is available [HERE](#).

###

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**From:** [Katie Gorscak](#)  
**To:** [Brian Hart](#); [Will Wiquist](#); [Anne Veigle](#)  
**Subject:** FW: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Tuesday, November 10, 2020 3:25:55 PM

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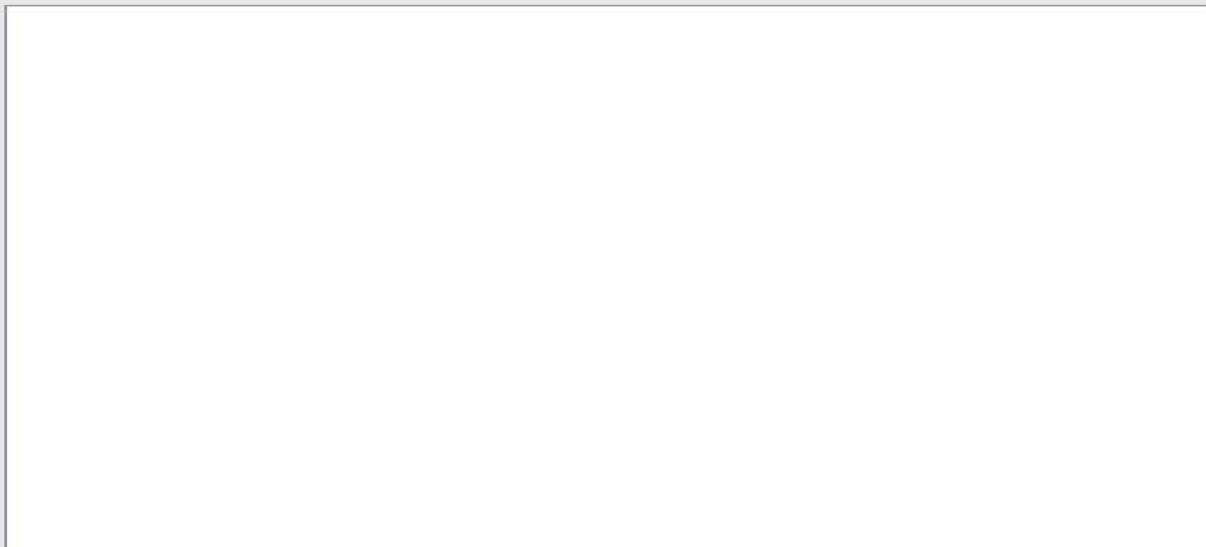
**From:** Reid, Jonathan <[jreid@bloombergindustry.com](mailto:jreid@bloombergindustry.com)>  
**Sent:** Tuesday, November 10, 2020 3:23 PM  
**To:** MediaRelations <[MediaRelations@fcc.gov](mailto:MediaRelations@fcc.gov)>  
**Subject:** FW: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

Does FCC Chairman Pai have a response to the calls from E&C Dems to remove all partisan items from consideration during transition?

.....

**Jon Reid**  
Reporter – Tech & Telecom  
**Bloomberg Law**  
Mobile: 480-600-9242  
Work: 703-341-5843  
[jreid@bloomberglaw.com](mailto:jreid@bloomberglaw.com)  
[@JonTReid](#)

**From:** Energy & Commerce News [<mailto:ecdemnews@ecdem.housecommunications.gov>]  
**Sent:** Tuesday, November 10, 2020 3:18 PM  
**To:** Reid, Jonathan <[jreid@bloombergindustry.com](mailto:jreid@bloombergindustry.com)>  
**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results





FOR IMMEDIATE RELEASE  
November 10, 2020

CONTACT  
[Elvsa Montfort](#) (202) 225-5735

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**“With the results of the 2020 presidential election now apparent, leadership of the FTC will undoubtedly be changing,”** Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) and Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky (D-IL) wrote in a letter to the FTC. **“As a traditional part of the transfer of power — and as part of our oversight responsibilities**

— we strongly urge the agency to only pursue consensus and administrative matters that are non-partisan for the remainder of your tenure.”

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###

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**From:** [David Kaut](#)  
**To:** [Anne Veigle](#)  
**Cc:** [Brian Hart](#); [Will Wiquist](#)  
**Subject:** FW: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Tuesday, November 10, 2020 3:23:43 PM

---

Let me know if you all have response to this.

**From:** Energy & Commerce News <ecdemnews@ecdem.housecommunications.gov>  
**Sent:** Tuesday, November 10, 2020 3:18 PM  
**To:** David Kaut <dkaut@thecapitolforum.com>  
**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results



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November 10, 2020

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[Elysa Montfort](#) (202) 225-5735

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**From:** [Shepardson, David \(Reuters\)](#)  
**To:** [Brian Hart](#)  
**Subject:** FW: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Tuesday, November 10, 2020 3:22:49 PM  
**Attachments:** [~WRD1540.jpg](#)  
[image001.jpg](#)  
[image002.jpg](#)

---

Do you want to comment?

**David Shepardson**

Correspondent

**Reuters**

Phone: +1 202 898 8324

Mobile: +1 202 579-6093

[david.shepardson@thomsonreuters.com](mailto:david.shepardson@thomsonreuters.com)

[www.reuters.com](http://www.reuters.com)

[twitter.com/davidshepardson](https://twitter.com/davidshepardson)

**1333 H Street NW**

**Suite 700 Washington, DC 20005**

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**Sent:** Tuesday, November 10, 2020 3:18 PM

**To:** Shepardson, David (Reuters) <[David.Shepardson@thomsonreuters.com](mailto:David.Shepardson@thomsonreuters.com)>

**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results



Image removed by sender.



FOR IMMEDIATE RELEASE  
November 10, 2020

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**From:** [Paul Jackson](#)  
**To:** [Brian Hart](#); [Anne Veigle](#); [Will Wiquist](#); [Katie Gorscak](#)  
**Subject:** Fw: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Tuesday, November 10, 2020 3:21:35 PM

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**From:** Energy & Commerce News <ecdemnews@ecdem.housecommunications.gov>  
**Sent:** Tuesday, November 10, 2020 3:17 PM  
**To:** Paul Jackson <Paul.Jackson@fcc.gov>  
**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results



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**From:** [Anne Veigle](#)  
**To:** [Brian Hart](#)  
**Subject:** Fw: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Wednesday, November 11, 2020 10:22:08 AM

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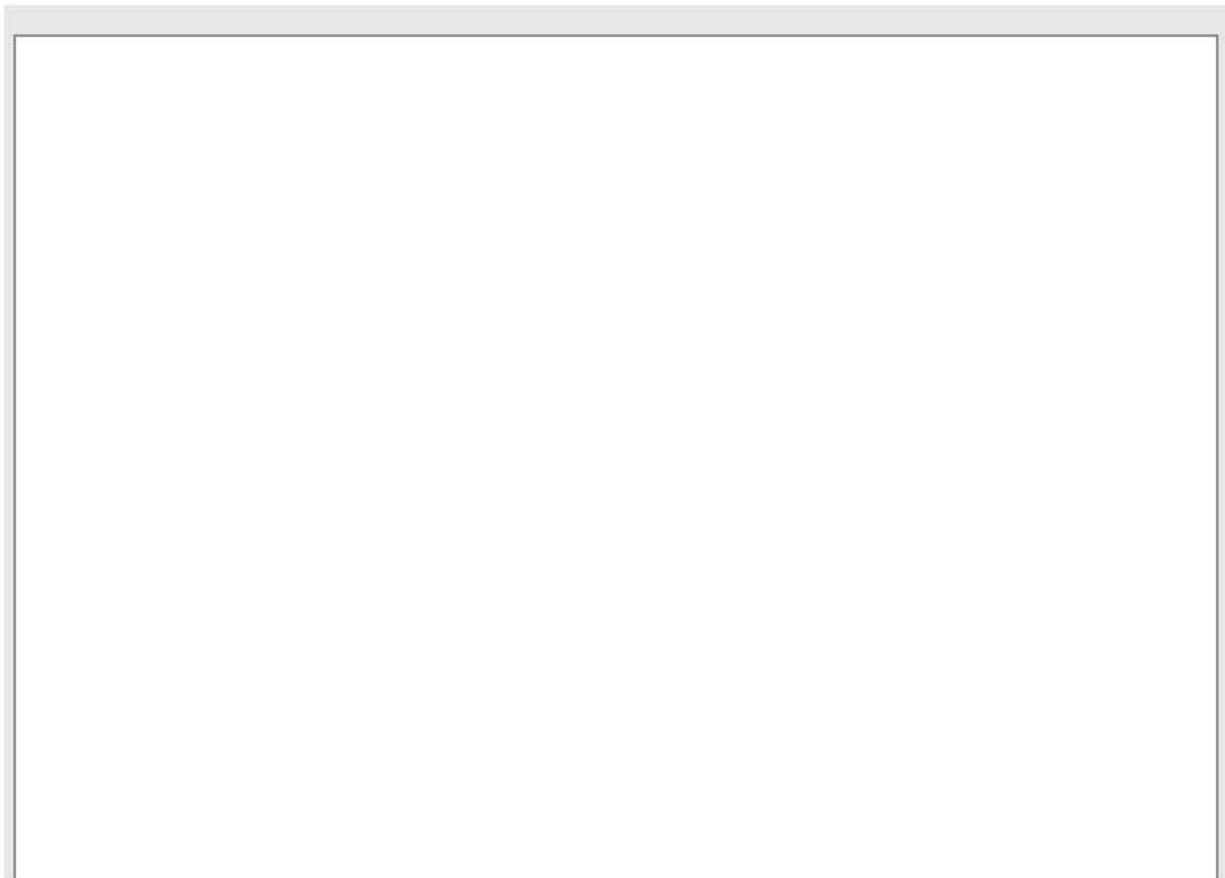
---

**From:** Jon Brodtkin <[jon.brodtkin@arstechnica.com](mailto:jon.brodtkin@arstechnica.com)>  
**Sent:** Wednesday, November 11, 2020 10:05 AM  
**To:** MediaRelations <[MediaRelations@fcc.gov](mailto:MediaRelations@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Subject:** RE: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

Hi, I'm writing a story about this today. Will Chairman Pai agree to the request to stop work on controversial items until Biden is sworn in? And do you expect Pai's announcement on his decision to be made today? Thanks.

Begin forwarded message:

**From:** Energy & Commerce News <[ecdemnews@ecdem.housecommunications.gov](mailto:ecdemnews@ecdem.housecommunications.gov)>  
**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** November 10, 2020 at 3:17:34 PM EST  
**To:** [jon.brodtkin@arstechnica.com](mailto:jon.brodtkin@arstechnica.com)  
**Reply-To:** [ecdemnews@mail.house.gov](mailto:ecdemnews@mail.house.gov)



**FOR IMMEDIATE RELEASE**

November 10, 2020

**CONTACT**

[Elysa Montfort](#) (202) 225-5735

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**From:** [Paul Jackson](#)  
**To:** [Brian Hart](#)  
**Subject:** Fw: FCC Chairman Pai Response Regarding NTIA Petition  
**Date:** Friday, November 13, 2020 2:26:05 PM  
**Attachments:** [Pallone 11.13.20.pdf](#)

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**From:** Joy Medley <Joy.Medley@fcc.gov>  
**Sent:** Friday, November 13, 2020 2:25 PM  
**To:** 'alex.hoehn-saric@mail.house.gov' <alex.hoehn-saric@mail.house.gov>; 'gerald.leverich@mail.house.gov' <gerald.leverich@mail.house.gov>; 'parul.desai@mail.house.gov' <parul.desai@mail.house.gov>; joseph.orlando@mail.house.gov <joseph.orlando@mail.house.gov>  
**Cc:** Paul Jackson <Paul.Jackson@fcc.gov>; Jim Balaguer <Jim.Balaguer@fcc.gov>  
**Subject:** FCC Chairman Pai Response Regarding NTIA Petition

Please see the attached response from FCC Chairman Ajit Pai regarding the NTIA petition for rulemaking regarding section 230 of the Communications Act of 1934.



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 13, 2020

The Honorable Frank Pallone  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Pallone:

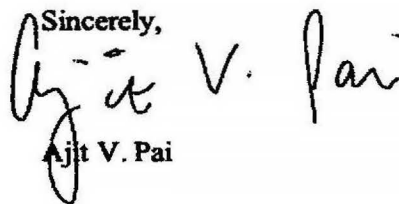
Thank you for your letter inquiring about the National Telecommunications and Information Administration (NTIA) petition for rulemaking regarding Section 230 of the Communications Act of 1934.

The FCC is an independent agency, and accordingly, we do not make policy decisions based on direction from the White House. For example, my decision to announce that I intended to move forward with a rulemaking to clarify the meaning of Section 230 was reached independently. Any suggestion that it was the product of any contact between the White House and the FCC is completely false. Indeed, between the time that NTIA filed its petition and the time of my announcement regarding Section 230, neither I nor my staff had any discussion with anyone at the White House or in the Executive Branch, including the President, about the petition. Neither did we have any discussions about the petition with anyone in any political campaign.

Rather, the FCC has followed the standard process for handling the NTIA petition for rulemaking. The petition was put out for public comment with the default timeframes set forth in the Commission's rules. A substantial record was compiled including comments from a broad array of stakeholders and members of the public. And the General Counsel provided me with advice based on that record.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

  
Ajit V. Pai

**From:** [Anne Veigle](#)  
**To:** [Brian Hart](#); [Will Wiquist](#); [Katie Gorscak](#)  
**Subject:** FW: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC  
**Date:** Monday, November 30, 2020 11:13:44 AM  
**Attachments:** [image002.jpg](#)

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(b) (5) [REDACTED] His term is a public record. <https://www.fcc.gov/general/commissioners-1934-present>

---

**From:** ben@agri-pulse.com <ben@agri-pulse.com>  
**Sent:** Monday, November 30, 2020 11:09 AM  
**To:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Subject:** FW: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC

Hi Anne,

Hope you are well and had a great Thanksgiving. I just have a few clarification questions here... My deadline is ASAP.

1. Could Chairman Pai could have stayed on the commission if he wanted?
2. Are there term limits to serving as a commissioner? Would he have had to depart eventually?

Thanks,  
Ben

---

**From:** FCC Office of Media Relations <[FCCOfficeofMediaRelations@fcc.gov](mailto:FCCOfficeofMediaRelations@fcc.gov)>  
**Sent:** Monday, November 30, 2020 10:39 AM  
**Subject:** FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC



**Media Contact:**  
Brian Hart, (202) 418-0505  
[brian.hart@fcc.gov](mailto:brian.hart@fcc.gov)

**For Immediate Release**

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WASHINGTON, November 30, 2020—Today, Federal Communications Commission Chairman Ajit Pai announced that he intends to leave the Federal Communications Commission on January 20, 2021. Chairman Pai issued the following statement:

“It has been the honor of a lifetime to serve at the Federal Communications Commission,



including as Chairman of the FCC over the past four years. I am grateful to President Trump for giving me the opportunity to lead the agency in 2017, to President Obama for appointing me as a Commissioner in 2012, and to Senate Majority Leader McConnell and the Senate for twice confirming me. To be the first Asian-American to chair the FCC has been a particular privilege. As I often say: only in America.

“I also deeply appreciate the chance to have worked alongside the FCC’s talented staff. They are the agency’s best assets, and they have performed heroically, especially during the pandemic. It’s also been an honor to work with my fellow Commissioners to execute a strong and broad agenda. Together, we’ve delivered for the American people over the past four years: closing the digital divide; promoting innovation and competition, from 5G on the ground to broadband from space; protecting consumers; and advancing public safety. And this FCC has not shied away from making tough choices. As a result, our nation’s communications networks are now faster, stronger, and more widely deployed than ever before.

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“Last but not least, I want to thank my family for all they have done to enable me to serve at the agency. The public service of one generally results from the private sacrifice of many, and I’m grateful for their love and support.”

###

**Office of Chairman Pai: (202) 418-1000 / Twitter: @AjitPaiFCC / [www.fcc.gov/leadership/ajit-pai](http://www.fcc.gov/leadership/ajit-pai)**

*This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).*

**From:** [Anne Veigle](#)  
**To:** [Ajit Pai](#); [Matthew Berry](#); [Nicholas Degani](#)  
**Cc:** [Brian Hart](#); [Will Wiquist](#); [Katie Gorscak](#)  
**Subject:** FW: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC  
**Date:** Monday, November 30, 2020 12:00:43 PM  
**Attachments:** [image002.jpg](#)

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(b) (5)

[Redacted content]

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**From:** ben@agri-pulse.com <ben@agri-pulse.com>  
**Sent:** Monday, November 30, 2020 11:09 AM  
**To:** Anne Veigle <Anne.Veigle@fcc.gov>  
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**From:** [David Kaut](#)  
**To:** [Brian Hart](#)  
**Subject:** FW: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC  
**Date:** Monday, November 30, 2020 11:15:36 AM  
**Attachments:** [image003.jpg](#)

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Congrats to the chairman and his staff for a job almost done. While I can only imagine, I'm sure running an agency in charge of U.S. communications policy is an extremely difficult and grueling job. I'm sure they're looking forward to some deserved some time off.

---

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**Sent:** Monday, November 30, 2020 10:37 AM  
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**Media Contact:**  
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[brian.hart@fcc.gov](mailto:brian.hart@fcc.gov)

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**From:** [Ajit Pai](#)  
**To:** [Brian Hart](#); [Matthew Berry](#); [Nicholas Degani](#)  
**Subject:** Fw: Fox Business digital inquiry  
**Date:** Tuesday, November 10, 2020 1:24:38 PM

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**From:** Conklin, Audrey <Audrey.Conklin@FOXNEWS.COM>

**Sent:** Tuesday, November 10, 2020 9:32 AM

**To:** Ajit Pai <Ajit.Pai@fcc.gov>

**Subject:** Fox Business digital inquiry

Hi, Chairman Pai,

I'm a digital reporter for Fox Business wondering if you might be available for a phone interview regarding President-Elect Biden's prospective plans to regulate Big Tech. His campaign hasn't gotten back to me, so I haven't heard directly from them regarding his plans to regulate Big Tech but have read reports like [this one](#) from the NY Times and wanted to ask your thoughts on the following:

- Is there a chance Biden could pursue antitrust investigations into Facebook, Amazon and Apple?
- Could Biden potentially revoke Section 230? How would his approach be different than Trump's?
- Do you think he could reimplement "net neutrality"?

Please let me know! Thank you for your time.

**Audrey Conklin**

Digital Reporter

Fox Business

203-721-4193

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**From:** [Evan Swarztrauber](#)  
**To:** [Brian Hart](#); [Anne Veigle](#)  
**Subject:** Fw: Getting Chairman Pad back on  
**Date:** Monday, November 16, 2020 10:22:33 AM

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(b) (5)

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**Evan Swarztrauber**

Policy Advisor  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(202) 418-2261 (o)  
(202) 870-8405 (m)  
Twitter: @EvanS\_FCC

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**From:** Daniel Susskind <[daniel.a.susskind@gmail.com](mailto:daniel.a.susskind@gmail.com)>  
**Sent:** Thursday, November 12, 2020 2:47 PM  
**To:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>  
**Subject:** Re: Getting Chairman Pad back on

Understand.... if there is something the Chairman wants to talk about before the year is out let us know.

On Thu, Nov 12, 2020 at 2:05 PM Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)> wrote:

Hey Dan,

We're going to decline this one but thanks for reaching out.

**Evan Swarztrauber**

Policy Advisor  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(202) 418-2261 (o)  
(202) 870-8405 (m)  
Twitter: @EvanS\_FCC

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**From:** Daniel Susskind <[daniel.a.susskind@gmail.com](mailto:daniel.a.susskind@gmail.com)>  
**Sent:** Wednesday, November 11, 2020 2:33 PM  
**To:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>  
**Subject:** Getting Chairman Pad back on

Hey Evan, how are you?

Would Chairman Pai be able to come back on with Carrie early next week to discuss:

<https://arstechnica.com/tech-policy/2020/11/ajit-pai-urged-to-accept-trump-loss-and-stop-controversial-rulemakings/>

The show is 9-10 am and we can be quite flexible on what day.

Dan Susskind



**From:** [Brian Hart](#)  
**To:** [Ajit Pai](#); [Matthew Berry](#); [Nicholas Degani](#); [Evan Swarztrauber](#)  
**Subject:** Fw: In case this lands on your plate  
**Date:** Tuesday, November 10, 2020 9:37:44 AM

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FYI

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**From:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 9:17 AM  
**To:** Eduard Bartholme <Eduard.Bartholme@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>  
**Cc:** Michael Snyder <Michael.Snyder@fcc.gov>  
**Subject:** RE: In case this lands on your plate

+Brian  
Thanks for the alert.

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**From:** Eduard Bartholme <Eduard.Bartholme@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 9:01 AM  
**To:** Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>  
**Cc:** Michael Snyder <Michael.Snyder@fcc.gov>  
**Subject:** In case this lands on your plate

We received 500 complaints overnight and about 50 more in the last 20 minutes. Almost every call this morning has been to file a complaint on this topic.

<https://www.newsweek.com/trump-supporters-encouraged-send-complaints-fcc-networks-calling-biden-president-elect-1546204>

Let me know if you have any approved language, or if something gets developed.

Ed

**From:** [Brian Hart](#)  
**To:** [Katie Gorscak](#)  
**Subject:** Fw: Joe Flint of WSJ here  
**Date:** Monday, November 2, 2020 1:59:23 PM

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**From:** Matthew Berry <Matthew.Berry@fcc.gov>  
**Sent:** Monday, November 2, 2020 1:57 PM  
**To:** Michael J. Carlson <Michael.Carlson@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Michelle Carey <Michelle.Carey@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>  
**Cc:** Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)

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**From:** Michael J. Carlson <Michael.Carlson@fcc.gov>  
**Sent:** Monday, November 2, 2020 1:56 PM  
**To:** Matthew Berry <Matthew.Berry@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Michelle Carey <Michelle.Carey@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>  
**Cc:** Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>  
**Subject:** RE: Joe Flint of WSJ here

(b) (5)

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**From:** Matthew Berry <Matthew.Berry@fcc.gov>  
**Sent:** Monday, November 2, 2020 12:55 PM  
**To:** Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Michelle Carey <Michelle.Carey@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>  
**Cc:** Michael J. Carlson <Michael.Carlson@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)

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**From:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](#)>  
**Sent:** Monday, November 2, 2020 10:06 AM  
**To:** Ajit Pai <[Ajit.Pai@fcc.gov](#)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](#)>; Matthew Berry <[Matthew.Berry@fcc.gov](#)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](#)>; Michelle Carey <[Michelle.Carey@fcc.gov](#)>; Brian Hart <[Brian.Hart@fcc.gov](#)>

**Cc:** Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)

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**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Sent:** Friday, October 30, 2020 2:56 PM  
**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)

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**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Sent:** Friday, October 30, 2020 2:52 PM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Subject:** RE: Joe Flint of WSJ here

(b) (5)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Friday, October 30, 2020 2:39 PM  
**To:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)

[Redacted]

[Redacted]

(b) (5)

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**From:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>

**Sent:** Friday, October 30, 2020 12:37 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>

**Subject:** Re: Joe Flint of WSJ here

(b) (5)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Friday, October 30, 2020 12:08 PM

**To:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>

**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>

**Subject:** Re: Joe Flint of WSJ here

(b) (5)

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**From:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>

**Sent:** Friday, October 30, 2020 12:04 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>

**Subject:** Fwd: Joe Flint of WSJ here

(b) (5)

Sent from my iPhone

Begin forwarded message:

**From:** Gary Schonman <[Gary.Schonman@fcc.gov](mailto:Gary.Schonman@fcc.gov)>  
**Date:** October 30, 2020 at 10:45:41 AM EDT  
**To:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>  
**Cc:** Maria Mullarkey <[Maria.Mullarkey@fcc.gov](mailto:Maria.Mullarkey@fcc.gov)>, Hillary DeNigro <[Hillary.DeNigro@fcc.gov](mailto:Hillary.DeNigro@fcc.gov)>, Robert Baker <[Robert.Baker@fcc.gov](mailto:Robert.Baker@fcc.gov)>, Sima Nilsson <[Sima.Nilsson@fcc.gov](mailto:Sima.Nilsson@fcc.gov)>, Janice Wise <[Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)>  
**Subject:** FW: Joe Flint of WSJ here

(b) (5)

[REDACTED]

[REDACTED]

Gary Schonman  
Special Counsel  
Political Programming Staff  
Policy Division, Media Bureau  
Federal Communications Commission  
Washington, DC 20554  
(Office) 202-418-1795  
(Mobile) 202-239-9702

-----Original Message-----

From: Janice Wise <[Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)>  
Sent: Friday, October 30, 2020 10:07 AM  
To: Robert Baker <[Robert.Baker@fcc.gov](mailto:Robert.Baker@fcc.gov)>; Gary Schonman <[Gary.Schonman@fcc.gov](mailto:Gary.Schonman@fcc.gov)>; Sima Nilsson <[Sima.Nilsson@fcc.gov](mailto:Sima.Nilsson@fcc.gov)>  
Subject: FW: Joe Flint of WSJ here

(b) (5)

[REDACTED]

[REDACTED]

-----Original Message-----

From: Flint, Joseph <[joe.flint@wsj.com](mailto:joe.flint@wsj.com)>  
Sent: Friday, October 30, 2020 10:00 AM  
To: Janice Wise <[Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)>

Subject: Re: Joe Flint of WSJ here

Admittedly this is a bit of a hypothetical. If one or both candidates contest the results and they and or third party groups want to run ads challenging the election, do those count as political spots. If a Trump or Biden campaign buys a spot saying, keep counting in PA or something like that, is it considered a candidate's ad that can't be censored and must be given air time (at lowest unit rate)? Or since the election is over, it will be up to the broadcaster to decide whether to carry such a spot.

Third party ads as I understand it can be fact checked and rejected.

I know some broadcasters are already asking about this and while we're in uncharted territory, I assume the FCC has an answer or guideline on this scenario.

Thanks much.

On Fri, Oct 30, 2020 at 6:53 AM Janice Wise <[Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)> wrote:

It has been a long time, Joe. Send me a list of your questions and I will get back to you.

Stay well.

-----Original Message-----

From: Flint, Joseph <[joe.flint@wsj.com](mailto:joe.flint@wsj.com)>

Sent: Friday, October 30, 2020 9:50 AM

To: Janice Wise <[Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)>

Subject: Joe Flint of WSJ here

Hi Janice,

Long time no chat. Hope you're well.

Have some political advertising questions that I thought you might be able to help on or hook me up with Bobby Baker.

My phone is 646-232-7260.

--

Joe Flint

STAFF REPORTER

M: 646-232-7260 O: 323-591-6507

E: [Joe.Flint@WSJ.com](mailto:Joe.Flint@WSJ.com)

T: @JBFlint

A: 5900 Wilshire Blvd., Los Angeles, CA 90036

--

Joe Flint

STAFF REPORTER

M: 646-232-7260 O: 323-591-6507

E: [Joe.Flint@WSJ.com](mailto:Joe.Flint@WSJ.com)

T: @JBFlint

A: 5900 Wilshire Blvd., Los Angeles, CA 90036

**From:** [Katie Gorscak](#)  
**To:** [Brian Hart](#); [Anne Veigle](#); [Will Wiquist](#)  
**Subject:** FW: Newsweek Seeking Comment on Trump Supporters Filing Complaints Over Networks "Falsely" Projecting Joe Biden President-Elect  
**Date:** Tuesday, November 10, 2020 9:29:48 AM

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(b) (5)

A large black rectangular redaction box covers the content of the email body, starting below the header and ending above the signature block. The text "(b) (5)" is written in red at the top left of this redacted area.

**From:** Aila Slisco <a.slisco@newsweek.com>  
**Sent:** Monday, November 09, 2020 10:52 PM  
**To:** MediaRelations <MediaRelations@fcc.gov>  
**Subject:** Newsweek Seeking Comment on Trump Supporters Filing Complaints Over Networks 'Falsely' Projecting Joe Biden President-Elect

Hello,

I'm Aila Slisco and I'm working on a story for Newsweek tonight about social media campaigns among supporters of President Trump which appear to be aimed at filing mass complaints with the FCC over networks "falsely" calling Joe Biden "president-elect." I'm writing to see if you have any comments about this. Has this been an issue in past elections, where similar language has been used based on projections?

Regards,

Aila Slisco



**From:** [Will Wiquist](#)  
**To:** [Brian Hart](#)  
**Cc:** [Anne Veigle](#); [Katie Gorscak](#)  
**Subject:** FW: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking  
**Date:** Thursday, November 5, 2020 5:11:20 PM

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**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Sent:** Thursday, October 29, 2020 1:02 PM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>  
**Cc:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Subject:** Re: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

(b)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Thursday, October 29, 2020 12:02 PM  
**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>  
**Cc:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Subject:** Re: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

(b) (5)

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**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Sent:** Thursday, October 29, 2020 12:02 PM  
**To:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>  
**Cc:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Subject:** RE: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

Let's chat about that next week.

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**From:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
**Sent:** Thursday, October 29, 2020 11:54 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Thomas Johnson

<[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>

**Cc:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>

**Subject:** Re: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

(b) (5)

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Sent:** Wednesday, October 28, 2020 4:15 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>

**Cc:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>

**Subject:** Re: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

(b) (5)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Wednesday, October 28, 2020 4:09 PM

**To:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>

**Cc:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>

**Subject:** Re: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

(b) (5)

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**From:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>

**Sent:** Wednesday, October 28, 2020 3:58 PM

**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>

**Cc:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>

**Subject:** Re: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

(b) (5)

(b) (5)

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**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>

**Sent:** Wednesday, October 28, 2020 3:56 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>

**Cc:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>

**Subject:** RE: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

(b) (5)

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Wednesday, October 28, 2020 3:54 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>

**Cc:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>

**Subject:** Re: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

(b) (5)

---

**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Sent:** Wednesday, October 28, 2020 3:44 PM

**To:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>

**Cc:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>

**Subject:** Re: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

Jimmy Phillips with Comm Daily and David Shepardson with Reuters are asking for comment.

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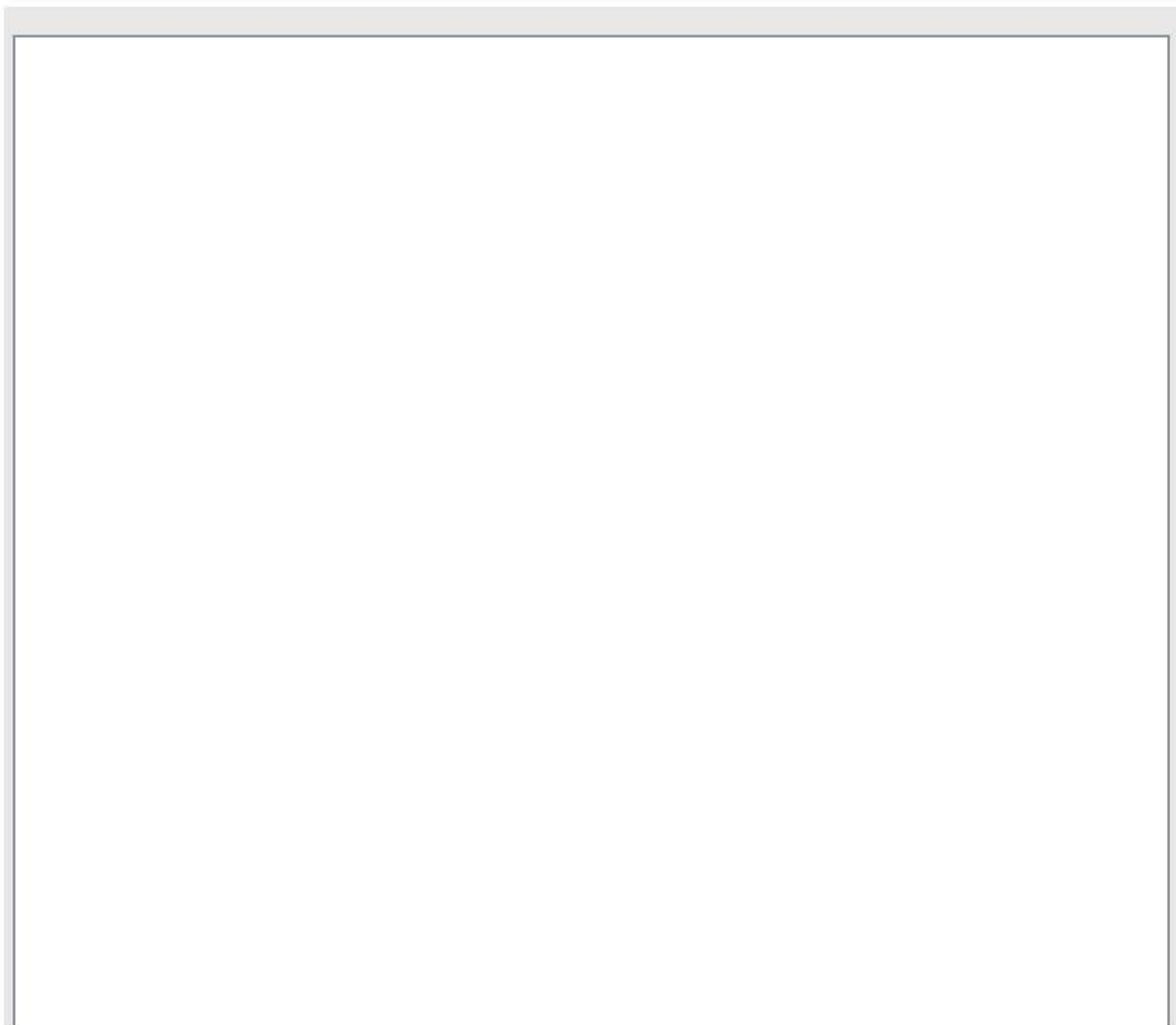
**From:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Sent:** Wednesday, October 28, 2020 3:39 PM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Jim Balaguer <[Jim.Balaguer@fcc.gov](mailto:Jim.Balaguer@fcc.gov)>

**Subject:** Fw: Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking

Letter attached.



FOR IMMEDIATE RELEASE

October 28, 2020

CONTACT

[Elysa Montfort](#) – (202) 225-5735

## **Pallone & Doyle Demand Answers from Pai Regarding White House Involvement in Section 230 Rulemaking**

*“It wasn’t until online platforms began fact-checking the President’s content that he and his Administration began an aggressive campaign to persuade the FCC to dictate how online platforms moderate content”*

**Washington, D.C.** – Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) and Communications and Technology Subcommittee Chairman Mike Doyle (D-PA) [wrote to](#) Federal Communications Commission (FCC) Chairman Ajit Pai today demanding answers for the FCC’s recent and sudden announcement that it is moving forward with a Section 230 rulemaking.



**“The fact that this announcement came just weeks before the election, and that President Trump has pushed for this CDA 230 rulemaking, raise serious questions about the independence of the agency. The American people deserve to know what conversations, if any, have transpired between you, your office and the White House to ensure the integrity of the FCC,”** Pallone and Doyle wrote. **“Since Congress’ enactment of CDA 230, the FCC has played no role in implementing or interpreting this provision. It wasn’t until online platforms began fact-checking the President’s content that he and his Administration began an aggressive campaign to persuade the FCC to dictate how online platforms moderate content.”**

Section 230 of the Communications Decency Act stipulates that online platforms, such as Twitter and Facebook, are generally not held liable for content posted by third-party users – with a few relevant exceptions. In addition to writing that President Trump’s efforts to change this policy are driven by retaliation, Pallone and Doyle also detail the lengths to which the President has gone to retaliate against those who stand in his way, causing concern that Chairman Pai’s actions may be driven by a White House pressure campaign.

**“Not only has the Trump Administration directly pressured the FCC to do its bidding on CDA 230, it appears the Administration is willing to retaliate against those who do not get in line with its agenda,”** wrote the two Committee leaders.

Pallone and Doyle pointed to several examples:

- President Trump abruptly pulled his nomination of Commissioner Michael O’Rielly for another FCC term shortly after Commissioner O’Rielly publicly raised concerns over the FCC’s role in interpreting CDA 230.
- Last month, Trump nominated Nathan Simington, who reportedly worked on the National Telecommunications and Information Administration (NTIA) CDA 230 petition, to replace Commissioner O’Rielly.
- This month, Trump tweeted at Senator Roger Wicker (R-MS) urging Republicans to confirm Mr. Simington, and shortly thereafter, a nomination hearing was scheduled for November 10th.

**“Now it appears the FCC is working in concert with the Trump Administration to attempt to influence the actions of online platforms by advancing a CDA 230 rulemaking,”** the two Committee leaders continued in their letter to Chairman Pai.

Pallone and Doyle wrote that since the FCC is an independent regulatory agency responsible directly to Congress, it should be avoiding even the appearance of acting on behalf of the President. They requested answers to a series of questions, including:

- Has anyone from the White House, Executive Office of the President, the NTIA or Department of Justice contacted FCC regarding this Section 230 rulemaking? If so, what was discussed?
- Has anyone from the Trump campaign contacted FCC regarding Section 230?
- Has Chairman Pai or his staff contacted either the White House or the Trump campaign regarding Section 230, and if so, what was discussed?

The full letter is available [HERE](#).

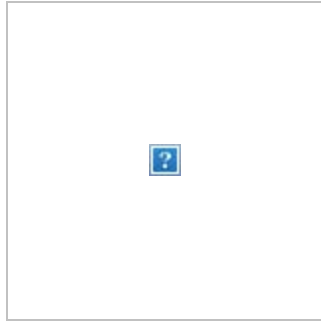
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**From:** [Anne Veigle](#)  
**To:** [Will Wiquist](#); [Brian Hart](#); [Katie Gorscak](#)  
**Subject:** FW: Section 230  
**Date:** Tuesday, November 24, 2020 11:23:54 AM

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(b) (5)

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**From:** Herchenroeder, Karl <karlh@warren-news.com>  
**Sent:** Tuesday, November 24, 2020 11:19 AM  
**To:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Subject:** Section 230

Hi, Anne:  
I'm working on a story about the Section 230 rulemaking.

Several experts told me they expect the agency not to take action on the item for the rest of Pai's tenure.

Does the agency have any comment?

Best Regards,  
Karl Herchenroeder  
Assistant Editor/tech reporter  
Communications Daily  
C: 202-704-4738



**From:** [Anne Veigle](#)  
**To:** [Ajit Pai](#); [Nicholas Degani](#); [Matthew Berry](#)  
**Cc:** [Brian Hart](#); [Will Wiquist](#); [Katie Gorscak](#)  
**Subject:** FW: Section 230  
**Date:** Tuesday, November 24, 2020 11:31:24 AM

---

(b)

)

(5)

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**From:** Herchenroeder, Karl <karlh@warren-news.com>  
**Sent:** Tuesday, November 24, 2020 11:19 AM  
**To:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Subject:** Section 230

Hi, Anne:

I'm working on a story about the Section 230 rulemaking.

Several experts told me they expect the agency not to take action on the item for the rest of Pai's tenure.

Does the agency have any comment?

Best Regards,  
Karl Herchenroeder  
Assistant Editor/tech reporter  
Communications Daily  
C: 202-704-4738

**From:** [Brian Hart](#)  
**To:** [Ajit Pai](#); [Matthew Berry](#); [Nicholas Degani](#)  
**Subject:** Fwd: Axios ask on Chairman Pai future  
**Date:** Thursday, November 12, 2020 2:37:10 PM

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(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** Margaret McGill <margaret.mcgill@axios.com>  
**Sent:** Thursday, November 12, 2020 2:05:38 PM  
**To:** Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>  
**Subject:** Axios ask on Chairman Pai future

Hi all,

Hope you're both doing well! I'm getting back into the swing of things this week, and am working on a story about what the FCC could look like in January.

I'm planning to report that Chairman Pai is expected to leave the agency before inauguration, based on conversations I've had with sources. Can you confirm or offer any guidance or comment?

The premise of my story is that Nathan Simington faces a near impossible path to FCC confirmation, despite pressure from President Trump and the appeal to Republicans of starting a Biden administration with a 2-2 FCC.

That of course assumes that Chairman Pai is leaving (and Commissioner O'Rielly as well). Let me know what you can, especially if I should assume otherwise!

— Margaret

--



Margaret Harding McGill  
Technology reporter  
[margaret.mcgill@axios.com](mailto:margaret.mcgill@axios.com) | (571)982-0559

**From:** [Brian Hart](#)  
**To:** [Katie Gorskak](#)  
**Subject:** Fwd: press prep...  
**Date:** Friday, November 13, 2020 10:34:30 AM  
**Attachments:** [2020-11 Open Meeting - November Press Prep Grab Bag Topics Only.docx](#)

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(b) (5)

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**From:** Brian Hart  
**Sent:** Tuesday, November 10, 2020 5:41:44 PM  
**To:** Matthew Berry (Matthew.Berry@fcc.gov) <Matthew.Berry@fcc.gov>; Nicholas Degani (Nicholas.Degani@fcc.gov) <Nicholas.Degani@fcc.gov>; Ajit Pai (Ajit.Pai@fcc.gov) <Ajit.Pai@fcc.gov>  
**Subject:** press prep...

(b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**From:** [Shepardson, David \(Reuters\)](#)  
**To:** [Brian Hart](#)  
**Subject:** Fwd: Reflections on the Pai chairmanship at the FCC  
**Date:** Friday, November 13, 2020 9:01:50 AM

---

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**From:** AEI Tech Policy <TechPolicy@aei.org>  
**Sent:** Friday, November 13, 2020 9:01 AM  
**To:** Shepardson, David (Reuters)  
**Subject:** Reflections on the Pai chairmanship at the FCC



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# Tech Policy Daily

The latest on technology policy from AEI

## Reflections on the Pai chairmanship at the FCC

Daniel Lyons | November 13, 2020 6:00 am

Photo

Under FCC Chairman Ajit Pai's leadership, internet speeds have doubled, fiber deployment has increased, and the number of Americans without high-speed internet has fallen dramatically. As we look ahead to the future of tech policy, this FCC's accomplishments should and will cast a long shadow over whatever comes next.

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Mark Jamison

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Bret Swanson

The conversation around 5G in recent years was dismissed as hype by some. But now, 5G is gathering real momentum with massive network expansion, true 5G devices, an underreported big bang of wireless spectrum, and even a Nobel Prize for the auctions that allow us to harness these electromagnetic waves.

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**From:** [Alethea Lewis](#)  
**To:** [Alexander Sanjenis](#); [Alisa Valentin](#); [Allison Baker](#); [Anne Veigle](#); [Arielle Roth](#); [Aurelle Porter](#); [Austin Bonner](#); [Benjamin Arden](#); [Blaise Scinto](#); [Brendan Carr](#); [Brian Hart](#); [Catherine Schroeder](#); [Cecilia Sulhoff](#); [Charles Matthias](#); [Christopher Santini](#); [Dana Shaffer](#); [Diane G. Holland](#); [Donald Stockdale](#); [Erika Olsen](#); [Erin Fitzgerald](#); [Erin McGrath](#); [Ethan Lucarelli](#); [Evan Swartztrauber](#); [Geoffrey Starks](#); [Giulia McHenry](#); [Holly Saurer](#); [Jamison Prime](#); [Jesse Jachman](#); [Jessica Rosenworcel](#); [Joel G. Miller](#); [John Schauble](#); [Joseph Calascione](#); [Justin Faulb](#); [Kate Black](#); [Kathryn OBrien](#); [Katie Gorscak](#); [Kris Monteith](#); [Lauren Kravetz](#); [Lisa Fowlkes](#); [Lisa Gelb](#); [Mark Stephens](#); [Matthew Berry](#); [Matthew Pearl](#); [Michael Carowitz](#); [Michelle Carey](#); [Mike ORielly](#); [Montana L. Hyde](#); [Nadja SodosWallace](#); [Nancy Zaczek](#); [Nicholas Degani](#); [OLA Distribution List](#); [Patrick Webre](#); [Preston Wise](#); [Rachel Kazan](#); [Rosemary Harold](#); [Sean Spivey](#); [Susan Mort](#); [Thomas Johnson](#); [Thomas Sullivan](#); [Travis Litman](#); [Umair Javed](#); [Wesley Platt](#); [Will Adams](#); [Will Wiquist](#); [William Davenport](#); [Zac Champ](#); [Zenji Nakazawa](#)  
**Subject:** Incoming Congressional Correspondence for Today  
**Date:** Monday, November 2, 2020 4:14:42 PM  
**Attachments:** [Kennedy893.pdf](#)

---

## Sen. John Kennedy – Connect America – Pole Attachments – (WCB)

- Encourages the Commission to clarify rules governing broadband providers' access to utility poles.
- States that the cost of attaching to poles is too high considering the amount of federal resources spent on broadband infrastructure.

Alethea Lewis  
Congressional Liaison Specialist  
Federal Communications Commission  
Office of Legislative Affairs  
(202) 418-0103  
[Alethea.Lewis@fcc.gov](mailto:Alethea.Lewis@fcc.gov)



## United States Senate

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SMALL BUSINESS AND  
ENTREPRENEURSHIP

November 2, 2020

893

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Pai,

I write today to urge the Federal Communications Commission (FCC) to quickly consider a pending Petition for Declaratory Ruling to clarify its existing pole attachment rules to help remove unnecessary deployment barriers in rural communities that do not have access to broadband infrastructure. Even before the COVID-19 pandemic arrived, access to reliable high-speed internet was growing increasingly critical for business development, access to education, rural healthcare services, and a growing list of priorities surrounding an American's daily life. FCC action on this Petition could help eliminate an impediment to rural broadband deployment and bring more Americans online.

I have been a staunch advocate for the deployment of broadband in rural areas. I have championed this cause on the Senate floor and at the Senate Committee on Appropriations where I serve as Chairman of the subcommittee on Financial Services and General Government, which has oversight of the FCC. Too many Americans are still on the wrong side of the digital divide, particularly in rural areas where nearly 15 million Americans do not have access to high speed broadband.<sup>1</sup> We need to do what we can – both large and small – to rectify this inequity.

In the Telecommunications Act of 1996, Congress recognized that communications providers needed fair rules to obtain access to utility poles. Congress granted broad authority to the FCC to craft regulations that would balance the rights and responsibilities of pole owners with those who need to attach to them. It is time for the FCC to clarify its rules to ensure that the rules – and the process for enforcing them – remain fair, equitable, transparent, and, most importantly, encourage accelerated deployment of high-speed internet service to close the gap in rural areas.

Much of the country's rural broadband infrastructure is carried by utility poles, so the rules and timelines around how broadband companies attach to poles are critical to deploying broadband. I understand that pole related costs alone can account for as much as one third of the total buildout expense in rural areas, and that does not even account for expenses from construction delays that can occur when broadband companies don't receive pole permits in a

---

<sup>1</sup> FCC 2020 Broadband Deployment Report, April 24, 2020,  
<https://docs.fcc.gov/public/attachments/FCC-20-50A1.pdf>

timely fashion.<sup>2</sup> This cost of attaching to poles is too high when you consider the amount of federal resources spent on broadband infrastructure –harming consumers and taxpayers alike. I am concerned that these issues are unnecessarily delaying – and even preventing – rural buildout. Steps to address this problem should be taken now.

I encourage the FCC to act expeditiously, using its authority to clarify its rules for attaching broadband infrastructure to utility poles and eliminating this as a barrier to deployment. A transparent, equitable, fast process for accessing utility poles would allow investments in rural broadband to reach more unserved homes and businesses, and to do so as fast as possible. This is particularly critical and not only during the current COVID-19 pandemic.

Every American deserves access to high-speed internet and rural populations have been left behind for far too long. By connecting more Americans to the internet, we can strengthen our economy, expand opportunity and usher in a better future for all.

Sincerely,



John Kennedy  
United States Senator

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<sup>2</sup> NCTA Petition for Expedited Declaratory Ruling (Pages 3–4), July 16, 2020, [https://ecfsapi.fcc.gov/file/107161552527661/071620%2017-84%20NCTA%20Petition\\_for\\_Declaratory\\_Ruling.pdf](https://ecfsapi.fcc.gov/file/107161552527661/071620%2017-84%20NCTA%20Petition_for_Declaratory_Ruling.pdf)

**From:** [Make, Jonathan](#)  
**To:** [Anne Veigle](#); [Brian Hart](#); [Katie Gorscak](#); [Will Wiquist](#)  
**Subject:** media Q  
**Date:** Tuesday, November 10, 2020 4:23:02 PM

---

Hi FCC PR –

Just checking in case there is any on the record comment re the letter below? We are writing a news bulletin with a 4:30P deadline. Our regular story has a 5P deadline.

Does the FCC intend to honor this request?

I've also tried a few of you by phone.

Thank you.  
Jonathan

---

**From:** Energy & Commerce News [<mailto:ecdemnews@ecdem.housecommunications.gov>]  
**Sent:** Tuesday, November 10, 2020 3:18 PM  
**To:** Make, Jonathan  
**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results



FOR IMMEDIATE RELEASE  
November 10, 2020

CONTACT  
[Elysa Montfort](#) (202) 225-5735

## **E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results**

**Washington, D.C.** – Energy and Commerce Committee leaders today wrote to Federal Communications Commission (FCC) Chairman Ajit Pai and Federal Trade Commission (FTC) Chairman Joseph Simons demanding that the two commissions stop work on all partisan or controversial items currently under consideration in light of the results of last week’s presidential election.

**“With the results of the 2020 presidential election now apparent, leadership of the FTC will undoubtedly be changing,”** Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) and Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky (D-IL) wrote in a letter to the FTC. **“As a traditional part of the transfer of power — and as part of our oversight responsibilities — we strongly urge the agency to only pursue consensus and administrative matters that are non-partisan for the remainder of your tenure.”**



Pallone and Communications and Technology Subcommittee Chairman Mike Doyle (D-PA) expressed the same sentiment in their letter to the FCC, adding: **“We note that you have previously welcomed calls from congressional leaders for the FCC to ‘halt further action on controversial items during the transition period.’ We hope you will respect this time-honored tradition now.”**

In both letters, the Committee leaders acknowledge there are likely a number of consensus matters for the two commissions to carry out and the lawmakers encourage them to do so quickly.

The letter to FTC is available [HERE](#) and the letter to FCC is available [HERE](#).

###

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**To:** [Michael Carowitz](#); [Preston Wise](#); [Zenji Nakazawa](#); [Allison Baker](#); [Alexander Sanjenis](#); [Sean Spivey](#)  
**Cc:** [Brian Hart](#); [Anne Veigle](#); [Will Wiquist](#); [Matthew Berry](#); [Nicholas Degani](#)  
**Subject:** November Press Prep  
**Date:** Friday, November 13, 2020 3:57:55 PM  
**Attachments:** [2020-11 Open Meeting - November Press Prep Draft.docx](#)

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(b) (5)



Katie L. Gorscak  
Federal Communications Commission  
Office of Media Relations  
445 12<sup>th</sup> St. SW, Room 4-C735  
Washington, DC 20554  
Phone: 202-418-2156  
Cell: 202-380-8116

**From:** [Perera, David \(LNG-MLEX\)](#)  
**To:** [Brian Hart](#); [Will Wiquist](#)  
**Subject:** post-meeting presser  
**Date:** Wednesday, November 18, 2020 10:09:43 AM  
**Attachments:** [image001.png](#)

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Hi Brian, Hi Will,

Will Chairman Pai be having a post-meeting press availability? Thanks, Dave

---

David Perera ☐ MLex data security and privacy reporter  
[perera@mlex.com](mailto:perera@mlex.com) ☐ o: 202 909 2141 m: 202 2☐0 9949

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**From:** [Brian Hart](#)  
**To:** [Matthew Berry \(Matthew.Berry@fcc.gov\)](#); [Nicholas Degani \(Nicholas.Degani@fcc.gov\)](#); [Ajit Pai \(Ajit.Pai@fcc.gov\)](#)  
**Subject:** press prep...  
**Date:** Tuesday, November 10, 2020 5:41:00 PM  
**Attachments:** [2020-11 Open Meeting - November Press Prep Grab Bag Topics Only.docx](#)

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(b) (5)

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]



**From:** [Will Wiquist](#)  
**To:** [Aiit Pai](#); [Matthew Berry](#); [Nicholas Degani](#); [Sean Spivey](#)  
**Cc:** [Brian Hart](#); [Anne Veigle](#); [Katie Gorscak](#); [Paul Jackson](#); [Rebecca Brown](#)  
**Subject:** Queries: CommDaily on Records Letter; TR Daily re 5.9 request from DOT  
**Date:** Tuesday, November 10, 2020 1:38:23 PM

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(b) (5)

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[Redacted]

• [Redacted]

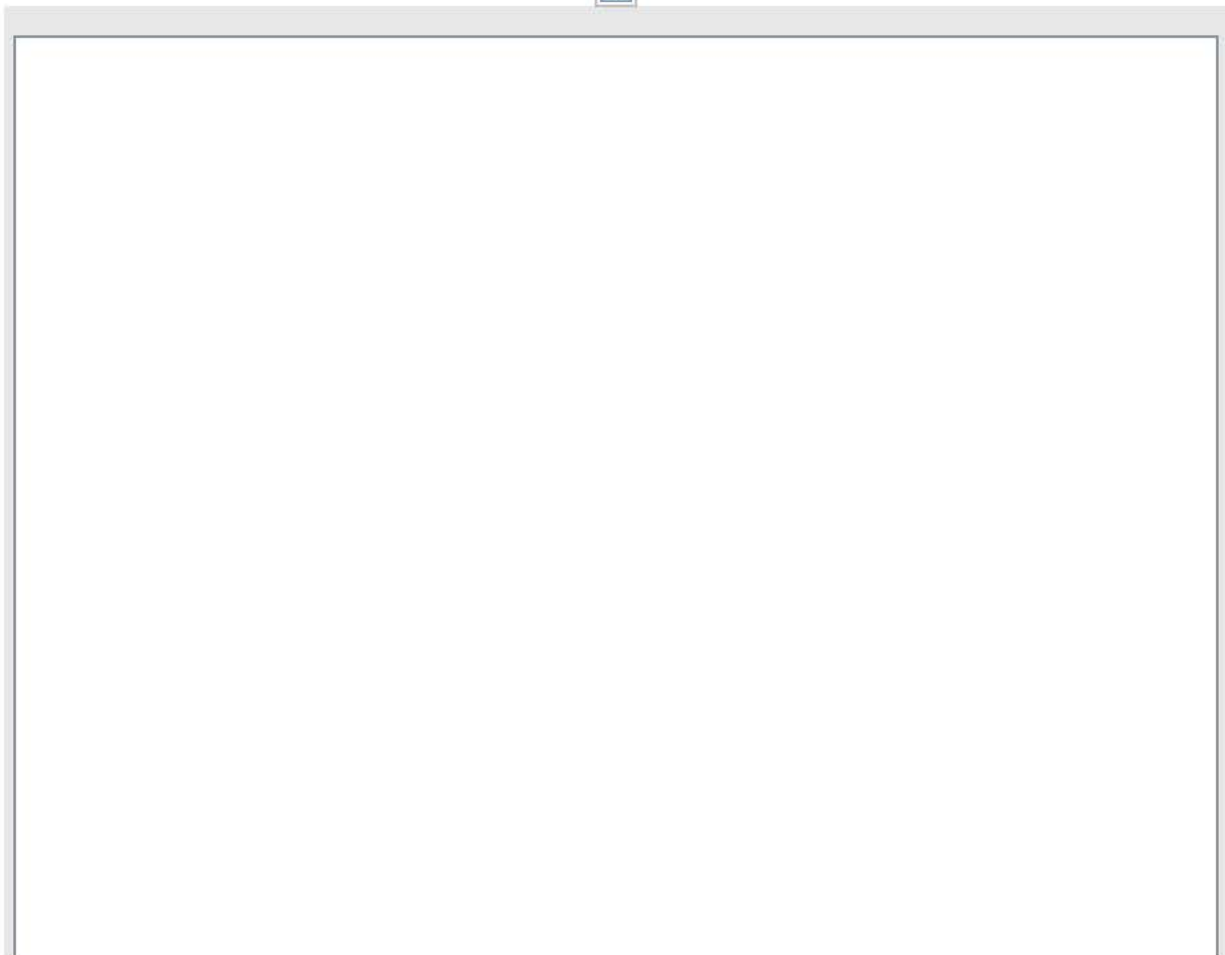
---

**From:** Energy & Commerce News <[ecdemnews@ecdem.housecommunications.gov](mailto:ecdemnews@ecdem.housecommunications.gov)>

**Sent:** Tuesday, November 10, 2020 10:57 AM

**To:** Phillips, Jimm <[jphillips@warren-news.com](mailto:jphillips@warren-news.com)>

**Subject:** ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents



**FOR IMMEDIATE RELEASE**

November 10, 2020

**CONTACT**

[CJ Young](#) (202) 225-5735

## **House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents**

**Washington, D.C.** – Today, Committee Chairs across the House of Representatives sent [letters](#) directing the White House and more than 50 federal agencies within their jurisdictions to comply with federal record-keeping laws and preserve information responsive to congressional subpoenas and investigations.

**“As the Trump Administration prepares for the transition of power to the new Biden Administration, we write to remind you that all Executive Office of the President employees and officials must comply with record preservation obligations set forth in federal law and preserve information relevant to congressional oversight,”** the Chairs wrote to White House Counsel Pat

Cipollone.

In today's letters, the Chairs directed the Administration to preserve all records in accordance with the Presidential Records Act, the Federal Records Act, and related regulations, as well as all documents that are or may be potentially responsive to any congressional inquiry, request, investigation, or subpoena that was initiated, continued, or otherwise undertaken during the 116th Congress.

These preservation letters cover documents and electronic messages and metadata involving official business that were sent using both official and personal accounts or devices, including communications through text messaging, phone-based message applications, or encryption software.

**"Over the last four years, the Administration obstructed numerous congressional investigations by refusing to provide responsive information," the Chairs wrote in letters to agencies. "You are obligated to ensure that any information previously requested by Congress—and any other information that is required by law to be preserved—is saved and appropriately archived in a manner that is easily retrievable."**

Collectively, the letters were signed by:

Oversight and Reform Committee Chair Carolyn B. Maloney  
Agriculture Committee Chair Collin Peterson  
Appropriations Committee Chair Nita M. Lowey  
Armed Services Committee Chair Adam Smith  
Budget Committee Chair John Yarmuth  
Committee on House Administration Chair Zoe Lofgren  
Education and Labor Committee Chair Bobby Scott  
Energy and Commerce Committee Chair Frank Pallone, Jr.  
Financial Services Committee Chair Maxine Waters  
Foreign Affairs Committee Chair Eliot Engel  
Homeland Security Committee Chair Bennie G. Thompson  
Permanent Select Committee on Intelligence Chair Adam B. Schiff  
Judiciary Committee Chair Jerrold Nadler  
Natural Resources Committee Chair Raúl M. Grijalva  
Rules Committee Chair James P. McGovern  
Science, Space, and Technology Committee Chair Eddie Bernice Johnson  
Select Committee on the Climate Crisis Chair Kathy Castor  
Small Business Committee Chair Nydia M. Velázquez  
Transportation and Infrastructure Committee Chair Peter A. DeFazio  
Veterans' Affairs Committee Chair Mark Takano  
Ways & Means Committee Chair Richard E. Neal.

The Committee Chairs thank Reps. Sean Casten and Tom Malinowski for their substantial contributions to this effort.

Click [here](#) to read today's letters.

###

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**From:** [Phillips, Jimm](#)  
**To:** [Anne Veigle](#); [Brian Hart](#); [Will Wiquist](#)  
**Subject:** Query Re: House Dems" Request for Info on "Conversions" of Political Appointees to Civil Service Roles  
**Date:** Wednesday, November 25, 2020 4:34:58 PM  
**Importance:** High

---

All,

Any FCC comment on House Democratic leaders' request for information ([https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-11-25.Cmte.\\_%20Chairs%20to%20Agencies\\_Burrowing%20In.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-11-25.Cmte._%20Chairs%20to%20Agencies_Burrowing%20In.pdf)) on "conversions of political appointees to civil service positions" during President Donald Trump's administration?

Thanks,  
Jimm Phillips  
Communications Daily  
[jphillips@warren-news.com](mailto:jphillips@warren-news.com)

**From:** [Phillips, Jimm](#)  
**To:** [Will Wiquist](#); [Brian Hart](#); [Anne Veigle](#)  
**Subject:** Query Re: ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents  
**Date:** Tuesday, November 10, 2020 12:52:00 PM

---

All,

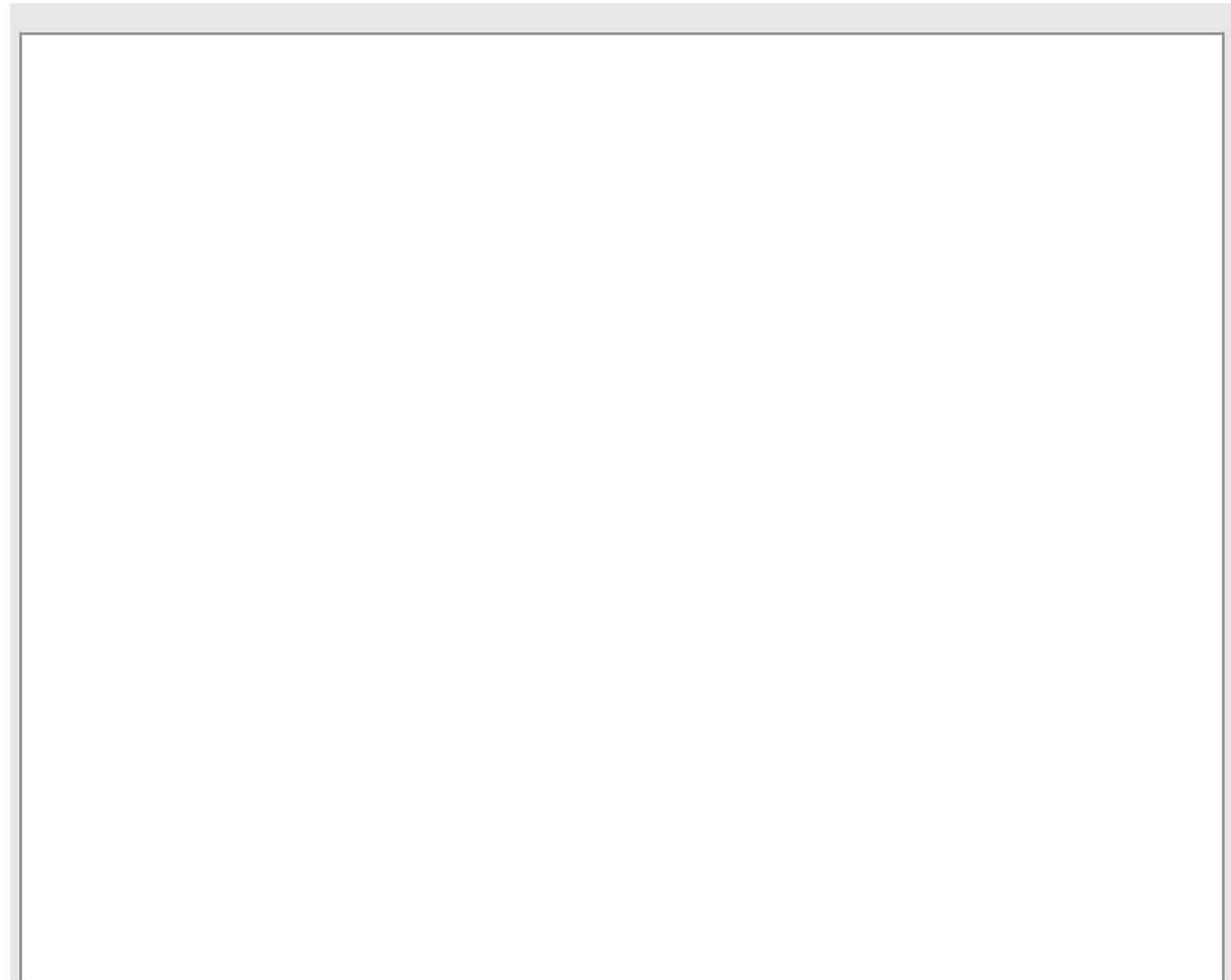
Any FCC comment?

Thanks,  
Jimm

Jimm Phillips  
Communications Daily  
[jphillips@warren-news.com](mailto:jphillips@warren-news.com)

---

**From:** Energy & Commerce News <[ecdemnews@ecdem.housecommunications.gov](mailto:ecdemnews@ecdem.housecommunications.gov)>  
**Sent:** Tuesday, November 10, 2020 10:57 AM  
**To:** Phillips, Jimm <[jphillips@warren-news.com](mailto:jphillips@warren-news.com)>  
**Subject:** ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents



**FOR IMMEDIATE RELEASE**

November 10, 2020

**CONTACT**

[CJ Young](#) (202) 225-5735

## **House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents**

**Washington, D.C.** – Today, Committee Chairs across the House of Representatives sent [letters](#) directing the White House and more than 50 federal agencies within their jurisdictions to comply with federal record-keeping laws and preserve information responsive to congressional subpoenas and investigations.

**“As the Trump Administration prepares for the transition of power to the new Biden Administration, we write to remind you that all Executive Office of the President employees and officials must comply with record preservation obligations set forth in federal law and preserve information relevant to congressional oversight,”** the Chairs wrote to White House Counsel Pat Cipollone.

In today's letters, the Chairs directed the Administration to preserve all records in accordance with the Presidential Records Act, the Federal Records Act, and related regulations, as well as all documents that



are or may be potentially responsive to any congressional inquiry, request, investigation, or subpoena that was initiated, continued, or otherwise undertaken during the 116th Congress.

These preservation letters cover documents and electronic messages and metadata involving official business that were sent using both official and personal accounts or devices, including communications through text messaging, phone-based message applications, or encryption software.

**“Over the last four years, the Administration obstructed numerous congressional investigations by refusing to provide responsive information,”** the Chairs wrote in letters to agencies. **“You are obligated to ensure that any information previously requested by Congress—and any other information that is required by law to be preserved—is saved and appropriately archived in a manner that is easily retrievable.”**

Collectively, the letters were signed by:

Oversight and Reform Committee Chair Carolyn B. Maloney  
Agriculture Committee Chair Collin Peterson  
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Armed Services Committee Chair Adam Smith  
Budget Committee Chair John Yarmuth  
Committee on House Administration Chair Zoe Lofgren  
Education and Labor Committee Chair Bobby Scott  
Energy and Commerce Committee Chair Frank Pallone, Jr.  
Financial Services Committee Chair Maxine Waters  
Foreign Affairs Committee Chair Eliot Engel  
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Permanent Select Committee on Intelligence Chair Adam B. Schiff  
Judiciary Committee Chair Jerrold Nadler  
Natural Resources Committee Chair Raúl M. Grijalva  
Rules Committee Chair James P. McGovern  
Science, Space, and Technology Committee Chair Eddie Bernice Johnson  
Select Committee on the Climate Crisis Chair Kathy Castor  
Small Business Committee Chair Nydia M. Velázquez  
Transportation and Infrastructure Committee Chair Peter A. DeFazio  
Veterans' Affairs Committee Chair Mark Takano  
Ways & Means Committee Chair Richard E. Neal.

The Committee Chairs thank Reps. Sean Casten and Tom Malinowski for their substantial contributions to this effort.

Click [here](#) to read today's letters.

###

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Energy & Commerce Democrats | 2125 Rayburn HOB, Washington, DC 20515 | 2125 Rayburn HOB,  
Washington, DC 20003

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**From:** [Ajit Pai](#)  
**To:** [Evan Swarztrauber](#); [Matthew Berry](#); [Nicholas Degani](#); [Thomas Johnson](#); [Brian Hart](#); [Anne Veigle](#)  
**Cc:** [Preston Wise](#)  
**Subject:** Re: A different kind of press prep  
**Date:** Wednesday, November 18, 2020 12:03:05 PM

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(b) (5)

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**From:** Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>  
**Sent:** Wednesday, November 18, 2020 12:02 PM  
**To:** Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Thomas Johnson <Thomas.Johnson@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>  
**Cc:** Preston Wise <Preston.Wise@fcc.gov>  
**Subject:** A different kind of press prep

(b) (5)

**Evan Swarztrauber**

Policy Advisor  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(202) 418-2261 (o)  
(202) 870-8405 (m)  
Twitter: @EvanS\_FCC

**From:** [Nicholas Degani](#)  
**To:** [Matthew Berry](#); [Brian Hart](#); [Ajit Pai](#)  
**Cc:** [Evan Swarztrauber](#); [Montana L. Hyde](#)  
**Subject:** RE: Arranging a Reason TV interview with Chairman Pai  
**Date:** Wednesday, November 18, 2020 1:54:26 PM

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(b) (5)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Wednesday, November 18, 2020 1:47 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Cc:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

(b) (5)

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Sent:** Wednesday, November 18, 2020 1:45 PM  
**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Cc:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

(b) (5)

---

**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Sent:** Wednesday, November 18, 2020 1:37 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

(b) (5)

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Sent:** Wednesday, November 18, 2020 12:43 PM  
**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Cc:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Subject:** Fw: Arranging a Reason TV interview with Chairman Pai

See below for the general questions that Nick Gillespie will ask on your Reason interview this afternoon.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Wednesday, November 18, 2020 12:30 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Cc:** Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Yes:

1. Explain how his term as chairman plays out (short description of what happens between now and the Biden administration appointing a new chairman).
2. I'll ask him to reflect on his legacy as chairman. What is he most proud of, and what work on his agenda still needs to be done?
3. We'll probably already discuss this as part of 2, but if not: What does the battle over Net Neutrality say about the strength of the internet to deliver information and content apart from specific governmental policies?
4. What are his thoughts on Section 230 reform, which he talks about in his October 15 statement?
5. What are the main threats to freedom of expression on the internet and in other areas governed by the FCC? What are the main bright spots?

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

**From:** [Matthew Berry](#)  
**To:** [Ajit Pai](#); [Brian Hart](#)  
**Cc:** [Nicholas Degani](#); [Evan Swarztrauber](#); [Montana L. Hyde](#)  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai  
**Date:** Wednesday, November 18, 2020 1:41:10 PM

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(b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

---

**From:** Ajit Pai <Ajit.Pai@fcc.gov>  
**Sent:** Wednesday, November 18, 2020 1:37 PM  
**To:** Brian Hart <Brian.Hart@fcc.gov>  
**Cc:** Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

(b) (5)

[Redacted]

[Redacted]

[Redacted]

---

**From:** Brian Hart <Brian.Hart@fcc.gov>  
**Sent:** Wednesday, November 18, 2020 12:43 PM  
**To:** Ajit Pai <Ajit.Pai@fcc.gov>  
**Cc:** Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>  
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**Sent:** Wednesday, November 18, 2020 12:30 PM  
**To:** Brian Hart <Brian.Hart@fcc.gov>  
**Cc:** Montana L. Hyde <Montana.Hyde@fcc.gov>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Yes:

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\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

**From:** [Brian Hart](#)  
**To:** [Ajit Pai](#)  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai  
**Date:** Wednesday, November 18, 2020 10:44:23 AM

---

(b) (5)


---

**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Sent:** Wednesday, November 18, 2020 9:20 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

(b) (5)


---

**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Sent:** Wednesday, November 18, 2020 9:19 AM  
**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Subject:** Fw: Arranging a Reason TV interview with Chairman Pai

Reminder: Reason Magazine Zoom interview today at 3p. I've asked Montana to put in your calendar.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Tuesday, November 17, 2020 11:48 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Hi guys,

Looking forward to talking with the chairman tomorrow at 3pm ET/12 noon PT. Here's the Zoom link:

<https://reason.zoom.us/j/4845143735> (Passcode: reason68)

Thanks much!  
\*\*\*\*\*

Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

On Fri, Nov 13, 2020 at 8:59 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

Thank you. The chairman is his own tech support from his house. He's got a good spot/backdrop with decent ambient lighting. He's on zoom often and is pretty well versed. But Montana and I are happy to help if there is anything we can do ahead of time.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Friday, November 13, 2020 11:46:53 AM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Cc:** Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

yes, that works--Wednesday November 18, 3pm ET/12 noon pt, via Zoom. If we can squeeze a few more minutes out of Chairman Pai, all the better!

This will be via Zoom. I'll send a link the day before and will send out topics either later today or Monday.

Do you have tech people I can connect my video producers with? We want to make sure everything looks and sounds as good as possible.

Thanks,

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Fri, Nov 13, 2020 at 5:42 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

Yes sir. Copying Montana to confirm that time still works.

Wednesday Nov 18

3p-3:30p EST

Zoom video interview

That all correct/work?

Can Can you please send over a general sense of the topics and questions you want to go over?

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Thursday, November 12, 2020 11:30 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

That's great! 3pm ET, right?

\*\*\*\*\*

nick gillespie  
editor at large, reason  
[gillespie@reason.com](mailto:gillespie@reason.com)  
513.255.5151  
5 bleecker street, 4f  
ny, ny 10012

On Thu, Nov 12, 2020, 6:12 PM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:  
3p Wednesday Nov 18?

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Wednesday, November 11, 2020 11:20:03 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Thanks very much!

Nick  
\*\*\*\*\*  
Nick Gillespie  
[Editor at Large, Reason](mailto:gillespie@reason.com)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

On Wed, Nov 11, 2020 at 8:07 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:  
The chairman is off for the rest of the week, and the rest of the commission is off today for veterans day. I'll try to check on this tomorrow with his scheduler. But won't be able to confirm with him until early next week.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Wednesday, November 11, 2020 11:05:29 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Brian,

Sorry for the non-responsiveness. What if anything is possible tomorrow or Friday or any day next week? I realize doing it before the award program may not be possible, and that's ok.

Thanks,

Nick  
\*\*\*\*\*



Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

On Mon, Nov 2, 2020 at 11:01 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:  
Any of these blocks of time work for 30-40 minutes?

- 11/9: 10:00am—2:00pm
- 11/10: 10:00am—2:00pm or after 3:30pm

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Thursday, October 29, 2020 7:19 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Great.

Ideally, we'll do the interview via Zoom, yes.

Please keep me posted!

Thanks,  
\*\*\*\*\*

Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

On Thu, Oct 29, 2020 at 4:08 PM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:  
Hey Nick. This should work. I'll get with the chairman scheduler to see what days and times work. You OK doing the interview over video chat? We are not back in our offices yet.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Thursday, October 29, 2020 6:49 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Hi Brian, following up on this! Please let me know your thoughts.

Thanks,

Nick

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Mon, Oct 19, 2020 at 12:21 PM Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
wrote:

Hi Brian,

I'm writing to arrange an interview with Chairman Pai in anticipation of his receiving Reason Foundation's Savas Award on November 19.

Ideally, we'd conduct the interview via Zoom for about 30 to 40 minutes sometime during the week of November 9 through November 13 (we're hoping to release the video and audio versions of the interview just before the awards ceremony).

Is that doable? Is there more information I can supply that will help you make a decision? Please let me know.

Thanks--

Nick

\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

**From:** [Montana L. Hyde](#)  
**To:** [Brian Hart](#); [Nick Gillespie](#)  
**Subject:** RE: Arranging a Reason TV interview with Chairman Pai  
**Date:** Friday, November 13, 2020 10:37:53 AM

---

Yep, that works for Chairman Pai.

Montana Hyde  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(703) 969-2494 – Direct  
[Montana.hyde@fcc.gov](mailto:Montana.hyde@fcc.gov)

---

**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Sent:** Friday, November 13, 2020 8:42 AM  
**To:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Cc:** Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Yes sir. Copying Montana to confirm that time still works.

Wednesday Nov 18  
3p-3:30p EST  
Zoom video interview

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**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Thursday, November 12, 2020 11:30 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

That's great! 3pm ET, right?

\*\*\*\*\*

nick gillespie  
editor at large, reason  
[gillespie@reason.com](mailto:gillespie@reason.com)  
513.255.5151  
5 bleecker street, 4f

ny, ny 10012

On Thu, Nov 12, 2020, 6:12 PM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

3p Wednesday Nov 18?

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**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Wednesday, November 11, 2020 11:20:03 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Thanks very much!

Nick

\*\*\*\*\*

Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

On Wed, Nov 11, 2020 at 8:07 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

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---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Wednesday, November 11, 2020 11:05:29 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Brian,

Sorry for the non-responsiveness. What if anything is possible tomorrow or Friday or any day next week? I realize doing it before the award program may not be possible, and that's ok.

Thanks,

Nick

\*\*\*\*\*

Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

On Mon, Nov 2, 2020 at 11:01 AM Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)> wrote:

Any of these blocks of time work for 30-40 minutes?

- 11/9: 10:00am—2:00pm
- 11/10: 10:00am—2:00pm or after 3:30pm

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Thursday, October 29, 2020 7:19 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Great.

Ideally, we'll do the interview via Zoom, yes.

Please keep me posted!

Thanks,

\*\*\*\*\*

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[Editor at Large, Reason](#)

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**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>

**Sent:** Thursday, October 29, 2020 6:49 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Hi Brian, following up on this! Please let me know your thoughts.

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\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

On Mon, Oct 19, 2020 at 12:21 PM Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)> wrote:

Hi Brian,

I'm writing to arrange an interview with Chairman Pai in anticipation of his receiving Reason Foundation's Savas Award on November 19.

Ideally, we'd conduct the interview via Zoom for about 30 to 40 minutes sometime during the week of November 9 through November 13 (we're hoping to release the video and audio versions of the interview just before the awards ceremony.

Is that doable? Is there more information I can supply that will help you make a decision? Please let me know.

Thanks--

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\*\*\*\*\*

Nick Gillespie

[Editor at Large, Reason](#)

513.255.5151 (c)

[gillespie@reason.com](mailto:gillespie@reason.com)

**From:** [Montana L. Hyde](#)  
**To:** [Brian Hart](#)  
**Subject:** RE: Arranging a Reason TV interview with Chairman Pai  
**Date:** Thursday, November 12, 2020 2:01:58 PM

---

He can do the afternoon after Open Meeting. Depending on what time the press conference is that day, he's open the whole afternoon after that.

---

**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Sent:** Thursday, November 12, 2020 12:58 PM  
**To:** Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Subject:** Fw: Arranging a Reason TV interview with Chairman Pai

Is there a good time after the open meeting for the chairman to shoot this video interview with a reason magazine? The chairman is receiving an award for them on Thursday. The meeting is on Wednesday. Tight window.

---

**From:** Nick Gillespie <[gillespie@reason.com](mailto:gillespie@reason.com)>  
**Sent:** Wednesday, November 11, 2020 11:20 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Arranging a Reason TV interview with Chairman Pai

Thanks very much!

Nick

\*\*\*\*\*

Nick Gillespie  
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Nick

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Thanks--

Nick

\*\*\*\*\*

Nick Gillespie  
[Editor at Large, Reason](#)  
513.255.5151 (c)  
[gillespie@reason.com](mailto:gillespie@reason.com)

**From:** [Matthew Berry](#)  
**To:** [Nicholas Degani](#); [Brian Hart](#); [Ajit Pai](#)  
**Subject:** Re: Axios ask on Chairman Pai future  
**Date:** Thursday, November 12, 2020 5:22:12 PM

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(b)

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**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Sent:** Thursday, November 12, 2020 4:27 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Subject:** RE: Axios ask on Chairman Pai future

(b) (5)

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Sent:** Thursday, November 12, 2020 4:14 PM  
**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Subject:** Re: Axios ask on Chairman Pai future

(b) (5)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Thursday, November 12, 2020 2:40:21 PM  
**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Subject:** Re: Axios ask on Chairman Pai future

(b)

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**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Sent:** Thursday, November 12, 2020 2:40 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Subject:** RE: Axios ask on Chairman Pai future

(b) (5)

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Sent:** Thursday, November 12, 2020 2:37 PM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>

**Subject:** Fwd: Axios ask on Chairman Pai future

(b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

---

**From:** Margaret McGill <[margaret.mcgill@axios.com](mailto:margaret.mcgill@axios.com)>

**Sent:** Thursday, November 12, 2020 2:05:38 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>

**Subject:** Axios ask on Chairman Pai future

Hi all,

Hope you're both doing well! I'm getting back into the swing of things this week, and am working on a story about what the FCC could look like in January.

I'm planning to report that Chairman Pai is expected to leave the agency before inauguration, based on conversations I've had with sources. Can you confirm or offer any guidance or comment?

The premise of my story is that Nathan Simington faces a near impossible path to FCC confirmation, despite pressure from President Trump and the appeal to Republicans of starting a Biden administration with a 2-2 FCC.

That of course assumes that Chairman Pai is leaving (and Commissioner O'Rielly as well). Let me know what you can, especially if I should assume otherwise!

— Margaret



Margaret Harding McGill

Technology reporter

[margaret.mcgill@axios.com](mailto:margaret.mcgill@axios.com) | (571)982-0559

**From:** [Make, Jonathan](#)  
**To:** [Anne Veigle](#); [Brian Hart](#); [Katie Gorscak](#); [Will Wiquist](#)  
**Cc:** [Buskirk, Howard](#); [Tayloe, Monty](#)  
**Subject:** RE: BLOG: Chairman Pai Outlines Agenda for December Open Meeting  
**Date:** Wednesday, November 18, 2020 3:16:04 PM

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Hi FCC PR folks,

Is FCC saying on the record whether it's now adopting pencils down, now that the blog post has been published? I understand that before today, we were referred to the blog.

We'll have a news bulletin momentarily, then a news story w/ a 4:30P E. deadline.

Just double checking.

Thanks as always.

---

**From:** FCC Office of Media Relations [mailto:FCCOfficeofMediaRelations@fcc.gov]  
**Sent:** Wednesday, November 18, 2020 3:03 PM  
**Subject:** BLOG: Chairman Pai Outlines Agenda for December Open Meeting

Below, please find FCC Chairman Ajit Pai's new blog post outlining the agenda for next month's Open Commission Meeting.

### **To Safe and Secure Holidays . . . and Networks**

By FCC Chairman Ajit Pai

Every month, I use this platform to tout the items on the FCC's upcoming monthly meeting agenda and explain how they will help to address key challenges facing our country. For our December 2020 meeting, it's not just me saying that the Commission is dealing with some heady issues. Last week, National Security Advisor Robert O'Brien gave [an interview](#) in which he said the "number one concern" for democracy at home and abroad is the integrity of our communications networks. In particular, he warned that installing equipment from Chinese firms in the backbone of our 5G networks could give the Communist Chinese government "backdoors to pull up every bit of data in the world."

I agree wholeheartedly. Or, as I'm fond of quipping on Twitter, "[you don't say](#)." The FCC recognizes this threat and has taken a series of actions to secure the integrity of the communications supply chain. Specifically, the FCC voted to prohibit the use of money from our Universal Service Fund to purchase or obtain any equipment or services produced or provided by companies posing a national security threat, including the world's largest global 5G supplier — Huawei. We also started a process to identify and catalog insecure equipment used in USF-funded communications networks, with an eye to implementing a program to remove and replace it. More recently, we hosted a forum on Open Radio Access Networks, or Open RANs, which could transform 5G network architecture, costs, and security.

This December, the Commission will have the opportunity to build on this progress and take critical

next steps toward securing our communications networks. We will be voting on an Order implementing the Secure and Trusted Communications Networks Act of 2019. These new rules would establish the procedures and criteria for publishing a list of the communications equipment and services that pose an unacceptable risk to the national security of the United States. They would then require eligible telecommunications carriers to remove and replace such equipment from their networks, and would establish the Secure and Trusted Communications Networks Reimbursement Program to subsidize smaller carriers to remove and replace such equipment. Moreover, to ensure we are informed about the ongoing presence of insecure equipment in communications networks, the rules would also mandate strict reporting requirements.

Our December agenda will feature two additional national security matters, which I am unable to discuss in detail at this time.

Just as the Commission wants to stop the deployment of technologies that could undermine the security of our communications networks, we want to accelerate the development of new technologies that could help grow our economy and improve our quality of life. Every day, pretty much every American uses multiple devices or gadgets that were approved through the FCC's equipment authorization program, whether it's your cellphone, your laptop, or your Wi-Fi router. This authorization process offers consumers assurance that their devices will work as intended and operate free from harmful interference.

As the pace of innovation has increased in the Internet age and product development cycles have accelerated, our equipment authorization rules in some ways have failed to keep pace. In particular, our rules limit the ability of device manufacturers to market and import radiofrequency devices in the most efficient and cost-effective ways possible. That's why I'm proposing targeted enhancements to our equipment authorization rules to make sure the newest technologies and must-have devices reach consumers as quickly as possible while still meeting our substantive standards.

Next up on our December agenda is a proposal to encourage the deployment of services using ATSC 3.0 — the [“next generation”](#) broadcast television standard. The rollout of ATSC 3.0 is well under way, with stations in a dozen markets licensed to transmit in this new standard, and twenty ATSC 3.0 compatible televisions set to be available for sale this year. The new standard promises to finally realize the potential for broadcast spectrum capacity to support so-called “Broadcast Internet” services — digital services beyond traditional over-the-air video, integrated into the broadband ecosystem. This December, the Commission will vote on a Report and Order that clarifies and updates the regulatory landscape in order to foster the efficient and robust use of broadcast spectrum capacity for the provision of such services. Specifically, it clarifies the basis on which to calculate ancillary and supplementary service fees, which are an assessment on the revenues earned by television stations from such services that we are required by statute to collect. It also retains the existing standard of derogation of broadcast service, while amending the rule to eliminate an outdated reference to analog television. And although the Report and Order generally declines at this time to adjust the 5% fee imposed on ancillary and supplementary services, it does lower the fee to 2.5% for noncommercial educational stations, which are uniquely positioned to take full advantage of the possibilities of Broadcast Internet, for nonprofit, noncommercial, educational services.

With Thanksgiving around the corner, it's only fitting that I conclude by thanking all the staff who have worked on these items. More broadly, I will be forever grateful to all the members of the FCC family who have gone above and beyond to serve the American people in unprecedented conditions during an unforgettable year. Here's wishing my colleagues and all of you a [Happy Thanksgiving](#).

**From:** [Brian Hart](#)  
**To:** [Will Wiquist](#)  
**Subject:** Re: checking for comment ...  
**Date:** Wednesday, November 4, 2020 3:47:25 PM

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(b) (5)

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**From:** Will Wiquist <Will.Wiquist@fcc.gov>  
**Sent:** Wednesday, November 4, 2020 3:45 PM  
**To:** Brian Hart <Brian.Hart@fcc.gov>  
**Subject:** FW: checking for comment ...

(b) (5)

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**From:** Buskirk, Howard <hbuskirk@warren-news.com>  
**Sent:** Wednesday, November 4, 2020 3:38 PM  
**To:** Will Wiquist <Will.Wiquist@fcc.gov>  
**Subject:** checking for comment ...

The still undecided presidential election is likely to create a murky environment for the FCC and Chairman Ajit Pai, at least until all the votes are counted and court cases and recounts resolved, experts said. The situation is reminiscent of 2000, when George W. Bush's election wasn't clear until more than a month after the election. At our deadline Joe Biden was ahead in swing states but President Donald Trump still has a potential path to victory.

In 2000, then Chairman William Kennard did an admirable job of keeping things moving, despite uncertainty, but the FCC was less politically charged at the time and he faced an easier task, FCC veterans said. Chairman Ajit Pai has long been expected to exit early next year regardless of what happens, but hasn't confirmed that.

If Trump wins, "it will be business as usual" and the Senate will vote on Nathan Simington's nomination to replace Mike O'Rielly as commissioner, said Phoenix Center President Lawrence Spiwak, who was an FCC staffer 20 years ago. Spiwak noted that the FCC then was less political then with fewer high-profile public interest groups active in proceeding. Spiwak said regardless of the size of the victory a Biden FCC will likely immediately reengage on net neutrality.

Howard Buskirk

Executive Senior Editor

Communications Daily

703-598-1800



**From:** [Katie Gorscak](#)  
**To:** [Matthew Berry](#); [Brian Hart](#); [Nicholas Degani](#); [Ajit Pai](#); [Evan Swarztrauber](#); [Paul Jackson](#)  
**Subject:** RE: Draft  
**Date:** Monday, November 30, 2020 10:28:21 AM  
**Attachments:** [2020-11-30-Pai Departure Statement-FINAL.docx](#)

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(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Monday, November 30, 2020 10:25 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
**Subject:** Re: Draft

(b) (5)

[REDACTED]

[REDACTED]

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Sent:** Monday, November 30, 2020 10:24 AM  
**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
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[REDACTED]

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**Subject:** RE: Draft

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**Subject:** Re: Draft

(b) (5)

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**From:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>

**Sent:** Monday, November 30, 2020 10:05 AM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Subject:** RE: Draft

(b) (5)

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Sent:** Monday, November 30, 2020 10:04 AM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Cc:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>

**Subject:** Re: Draft

(b) (5)

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**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Sent:** Monday, November 30, 2020 9:59 AM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Paul

Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Cc:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>

**Subject:** Re: Draft

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Sent:** Monday, November 30, 2020 9:48 AM

**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Cc:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>

**Subject:** Re: Draft

Clean draft attached. Adding Katie G.

---

**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>

**Sent:** Monday, November 30, 2020 9:33 AM

**To:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Subject:** RE: Draft

(b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]

**From:** [Nicholas Degani](#)  
**To:** [Matthew Berry](#); [Brian Hart](#); [Katie Gorscak](#); [Ajit Pai](#); [Evan Swarztrauber](#); [Paul Jackson](#)  
**Subject:** RE: Draft  
**Date:** Monday, November 30, 2020 10:27:21 AM

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(b) (5)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Monday, November 30, 2020 7:25 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
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**Subject:** Re: Draft

(b) (5)

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**From:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>

**Sent:** Monday, November 30, 2020 10:05 AM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

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**Sent:** Monday, November 30, 2020 10:04 AM

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**Cc:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>

**Subject:** Re: Draft

(b) (5)

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**Cc:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>

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**Cc:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Subject:** Re: Draft

Clean draft attached. Adding Katie G.

---

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**Sent:** Monday, November 30, 2020 9:33 AM  
**To:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
**Subject:** RE: Draft

(b) (5) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

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**From:** [Katie Gorscak](#)  
**To:** [Matthew Berry](#); [Nicholas Degani](#); [Brian Hart](#); [Ajit Pai](#); [Evan Swarztrauber](#); [Paul Jackson](#)  
**Subject:** RE: Draft  
**Date:** Monday, November 30, 2020 10:42:09 AM

---

This has been e-mailed out to press and should be posted to the web momentarily.

Thanks, all!

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Monday, November 30, 2020 10:37 AM  
**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
**Subject:** Re: Draft

Sounds good. Let's release.

Thanks all!

---

**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Sent:** Monday, November 30, 2020 10:36 AM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
**Subject:** RE: Draft

(b) (5)

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**Sent:** Monday, November 30, 2020 7:33 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
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(b) (5)

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(b) (5)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Monday, November 30, 2020 10:28 AM

**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

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**Cc:** Katie Gorskak <[Katie.Gorskak@fcc.gov](mailto:Katie.Gorskak@fcc.gov)>

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**Cc:** Katie Gorskak <[Katie.Gorskak@fcc.gov](mailto:Katie.Gorskak@fcc.gov)>

**Subject:** Re: Draft

Clean draft attached. Adding Katie G.

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**Subject:** RE: Draft

(b) (5)

[Redacted]

**From:** [Anne Veigle](#)  
**To:** [David Kaut](#)  
**Cc:** [Brian Hart](#); [Will Wiquist](#)  
**Subject:** Re: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Wednesday, November 11, 2020 3:57:40 PM

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We don't have a comment

---

**From:** "David Kaut" <[dkaut@thecapitolforum.com](mailto:dkaut@thecapitolforum.com)>  
**Date:** Wednesday, November 11, 2020 at 1:27:23 PM  
**To:** "Anne Veigle" <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Cc:** "Brian Hart" <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>, "Will Wiquist" <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Subject:** RE: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

If any sense when a response is coming, in whatever form, let me know.

DAVE  
571-276-2933

**From:** David Kaut  
**Sent:** Tuesday, November 10, 2020 3:24 PM  
**To:** Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Subject:** FW: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

Let me know if you all have response to this.

**From:** Energy & Commerce News <[ecdemnews@ecdem.housecommunications.gov](mailto:ecdemnews@ecdem.housecommunications.gov)>  
**Sent:** Tuesday, November 10, 2020 3:18 PM  
**To:** David Kaut <[dkaut@thecapitolforum.com](mailto:dkaut@thecapitolforum.com)>  
**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results



FOR IMMEDIATE RELEASE  
November 10, 2020

CONTACT  
[Elysa Montfort](#) (202) 225-5735

## **E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results**

**Washington, D.C.** – Energy and Commerce Committee leaders today wrote to Federal Communications Commission (FCC) Chairman Ajit Pai and Federal Trade Commission (FTC) Chairman Joseph Simons demanding that the two commissions stop work on all partisan or controversial items currently under consideration in light of the results of last week's presidential election.

**"With the results of the 2020 presidential election now apparent, leadership of the FTC will undoubtedly be changing,"** Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) and Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky (D-IL) wrote in a letter to the FTC. **"As a traditional part of the transfer of power — and as part of our oversight responsibilities — we strongly urge the agency to only pursue consensus and administrative matters that are non-partisan for the remainder of your tenure."**

Pallone and Communications and Technology Subcommittee Chairman Mike Doyle (D-PA) expressed the same sentiment in their letter to the FCC, adding: **"We note that you have previously welcomed calls from congressional leaders for the FCC to 'halt further action on controversial items during the transition period.' We hope you will respect this time-honored tradition now."**

In both letters, the Committee leaders acknowledge there are likely a number of consensus matters for the two commissions to carry out and the lawmakers encourage them to do so quickly.

The letter to FTC is available [HERE](#) and the letter to FCC is available [HERE](#).

###

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Energy & Commerce Democrats | 2125 Rayburn HOB, Washington, DC 20515 | 2125 Rayburn HOB, Washington, DC 20003

[Unsubscribe](#) [dkaut@thecapitolforum.com](mailto:dkaut@thecapitolforum.com)

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**From:** [Anne Veigle](#)  
**To:** [Jon Brodtkin](#)  
**Cc:** [Will Wiquist](#); [Katie Gorscak](#)  
**Subject:** Re: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Wednesday, November 11, 2020 12:02:47 PM

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We don't have a comment.

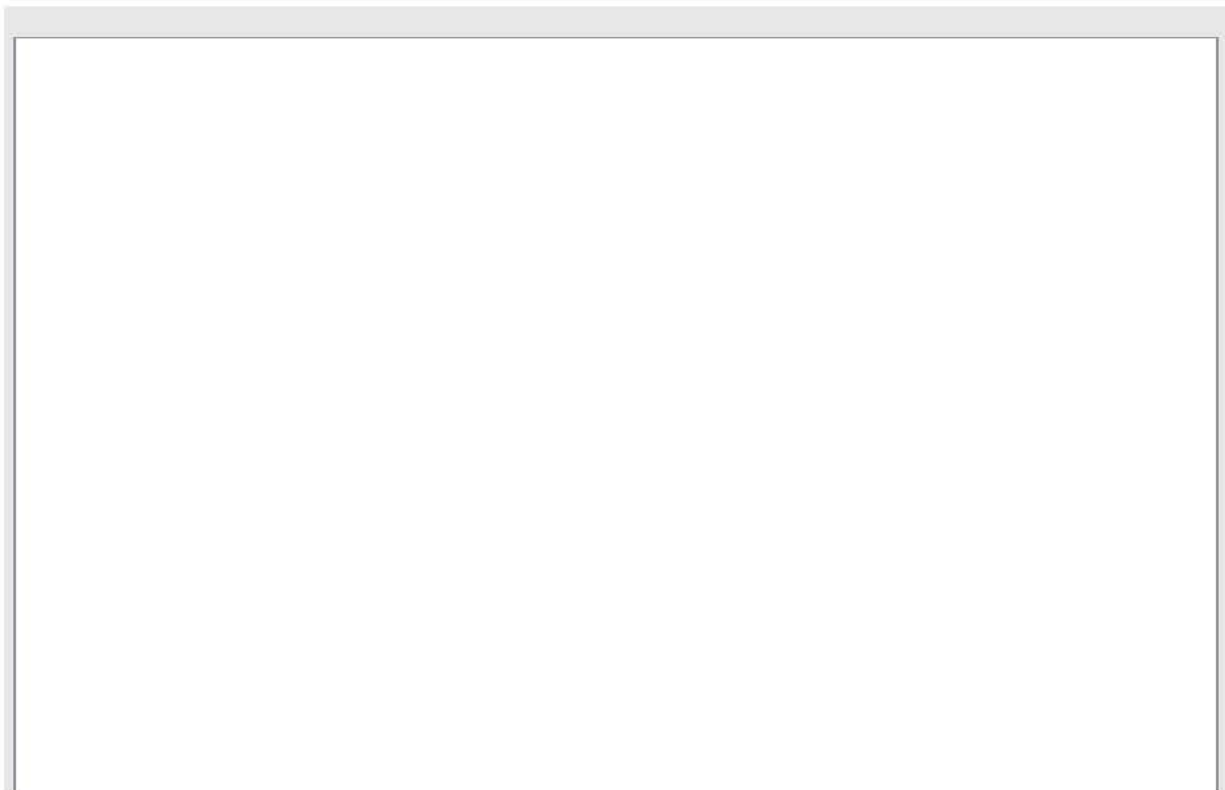
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**From:** "Jon Brodtkin" <[jon.brodtkin@arstechnica.com](mailto:jon.brodtkin@arstechnica.com)>  
**Date:** Wednesday, November 11, 2020 at 10:05:21 AM  
**To:** "MediaRelations" <[MediaRelations@fcc.gov](mailto:MediaRelations@fcc.gov)>, "Anne Veigle" <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Subject:** RE: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

Hi, I'm writing a story about this today. Will Chairman Pai agree to the request to stop work on controversial items until Biden is sworn in? And do you expect Pai's announcement on his decision to be made today? Thanks.

Begin forwarded message:

**From:** Energy & Commerce News <[ecdemnews@ecdem.housecommunications.gov](mailto:ecdemnews@ecdem.housecommunications.gov)>  
**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** November 10, 2020 at 3:17:34 PM EST  
**To:** [jon.brodtkin@arstechnica.com](mailto:jon.brodtkin@arstechnica.com)  
**Reply-To:** [ecdemnews@mail.house.gov](mailto:ecdemnews@mail.house.gov)





FOR IMMEDIATE RELEASE  
November 10, 2020

CONTACT  
[Elysa Montfort](#) (202) 225-5735

## **E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results**

**Washington, D.C.** – Energy and Commerce Committee leaders today wrote to Federal Communications Commission (FCC) Chairman Ajit Pai and Federal Trade Commission (FTC) Chairman Joseph Simons demanding that the two commissions stop work on all partisan or controversial items currently under consideration in light of the results of last week's presidential election.

**"With the results of the 2020 presidential election now apparent, leadership of the FTC will undoubtedly be changing,"** Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) and Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky (D-IL) wrote in a letter to the FTC. **"As a traditional part of the transfer of power — and as part of our oversight responsibilities — we strongly urge the agency to only pursue consensus and administrative matters that are non-partisan for the remainder of your tenure."**

Pallone and Communications and Technology Subcommittee Chairman Mike Doyle (D-PA) expressed

the same sentiment in their letter to the FCC, adding: “We note that you have previously welcomed calls from congressional leaders for the FCC to ‘halt further action on controversial items during the transition period.’ We hope you will respect this time-honored tradition now.”

In both letters, the Committee leaders acknowledge there are likely a number of consensus matters for the two commissions to carry out and the lawmakers encourage them to do so quickly.

The letter to FTC is available [HERE](#) and the letter to FCC is available [HERE](#).

###

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**From:** [Paul Jackson](#)  
**To:** [Brian Hart](#); [Nicholas Degani](#); [Ajit Pai](#); [Matthew Berry](#)  
**Subject:** Re: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Tuesday, November 10, 2020 3:39:32 PM

---

We've officially received the letter from the Pallone staff.

---

**From:** Brian Hart <Brian.Hart@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 3:38 PM  
**To:** Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>  
**Subject:** Re: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

(b) (5)

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**From:** Nicholas Degani <Nicholas.Degani@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 3:33 PM  
**To:** Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>  
**Subject:** RE: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

(b)

---

**From:** Ajit Pai <Ajit.Pai@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 3:34 PM  
**To:** Matthew Berry <Matthew.Berry@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Paul Jackson <Paul.Jackson@fcc.gov>  
**Subject:** Re: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

(b) (5)

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 3:31 PM  
**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
**Subject:** Re: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

(b) (5)



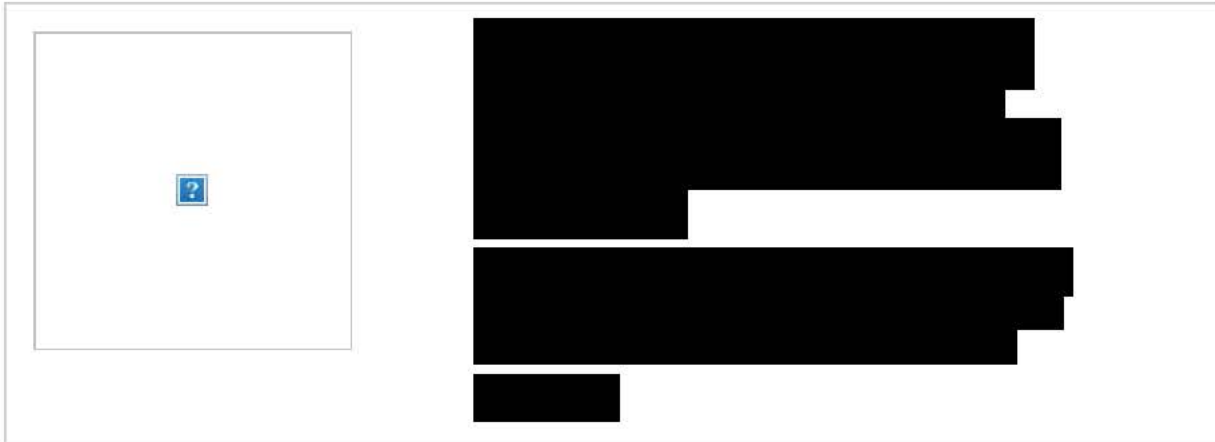
**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Sent:** Tuesday, November 10, 2020 3:31 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Subject:** Re: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

(b) (5)

A large rectangular area of the document is completely redacted with a solid black box.

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Sent:** Tuesday, November 10, 2020 3:29 PM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Subject:** Fw: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

We have half a dozen requests for comment on this? Thoughts?

---

**From:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Sent:** Tuesday, November 10, 2020 3:21 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>

**Subject:** Fw: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

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**Sent:** Tuesday, November 10, 2020 3:17 PM

**To:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results



**FOR IMMEDIATE RELEASE**  
November 10, 2020

**CONTACT**  
[Elysa Montfort](#) (202) 225-5735

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###

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Washington, DC 20003

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**From:** [Will Wiquist](#)  
**To:** [Anne Veigle](#); [Katie Gorscak](#); [Paul Jackson](#); [Brian Hart](#)  
**Subject:** RE: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results  
**Date:** Tuesday, November 10, 2020 3:32:50 PM

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(b) (5)

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**From:** Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 3:32 PM  
**To:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** RE: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

(b) (5)

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**From:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 3:31 PM  
**To:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Subject:** RE: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

(b) (5)

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**From:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 3:26 PM  
**To:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Subject:** RE: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

And Bloomberg.

---

**From:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 3:26 PM  
**To:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Subject:** Re: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

(b) (5)

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**From:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>

**Sent:** Tuesday, November 10, 2020 3:25 PM

**To:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>

**Subject:** RE: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

(b) (5)

A large black rectangular redaction box covers the body of the email. The text "(b) (5)" is written in red at the top left of this redacted area.

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**From:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Sent:** Tuesday, November 10, 2020 3:22 PM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>

**Subject:** Fw: E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results

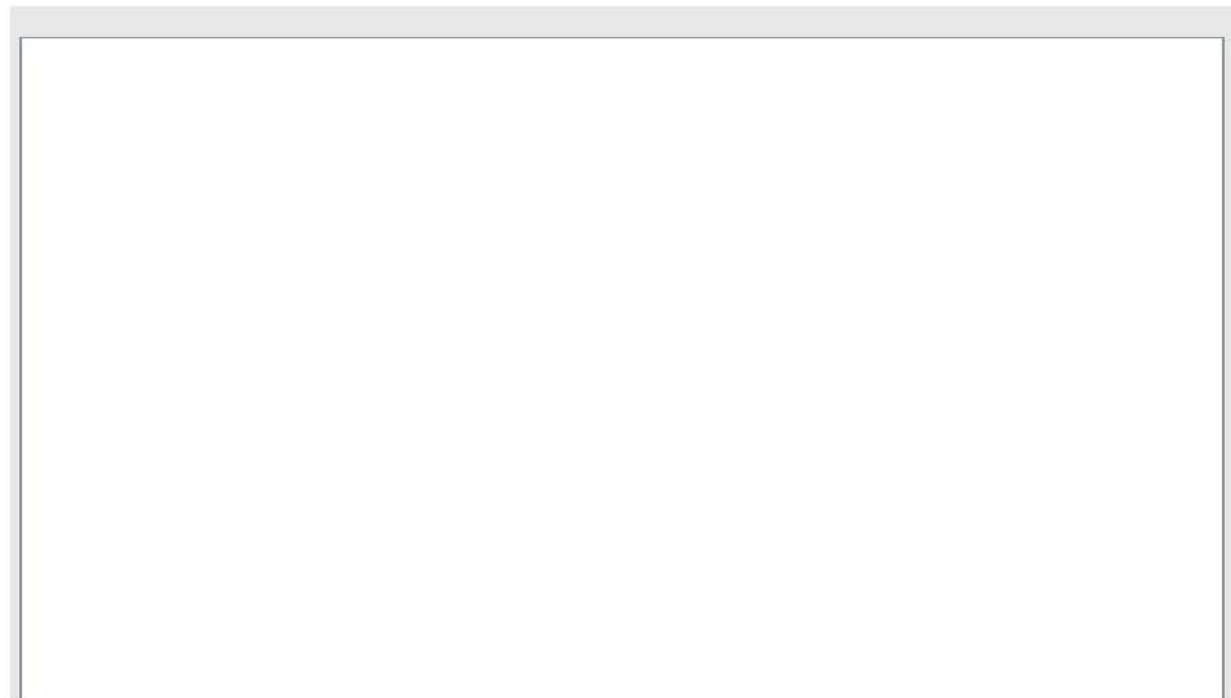
---

**From:** Energy & Commerce News <[ecdemnews@ecdem.housecommunications.gov](mailto:ecdemnews@ecdem.housecommunications.gov)>

**Sent:** Tuesday, November 10, 2020 3:17 PM

**To:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>

**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results





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November 10, 2020

CONTACT

[Elvsa Montfort](#) (202) 225-5735

## **E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results**

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**From:** [ben@agri-pulse.com](mailto:ben@agri-pulse.com)  
**To:** [Anne Veigle](#)  
**Cc:** [Brian Hart](#); [Katie Gorscak](#); [Will Wiquist](#)  
**Subject:** RE: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC  
**Date:** Monday, November 30, 2020 12:13:24 PM  
**Attachments:** [image001.jpg](#)

---

Thank you. That is what I thought but wanted to double check.

---

**From:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Sent:** Monday, November 30, 2020 12:11 PM  
**To:** ben@agri-pulse.com  
**Cc:** Brian Hart <Brian.Hart@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>  
**Subject:** RE: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC

Hi Ben,

With respect to question #1, the answer is yes. He could have stayed as a Commissioner until June 30, 2021 at a minimum.

With respect to question #2, the answer is no. There are no limits on how many terms someone can be nominated and confirmed for.

---

**From:** [ben@agri-pulse.com](mailto:ben@agri-pulse.com) <[ben@agri-pulse.com](mailto:ben@agri-pulse.com)>  
**Sent:** Monday, November 30, 2020 11:09 AM  
**To:** Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Subject:** FW: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC

Hi Anne,

Hope you are well and had a great Thanksgiving. I just have a few clarification questions here... My deadline is ASAP.

1. Could Chairman Pai could have stayed on the commission if he wanted?
2. Are there term limits to serving as a commissioner? Would he have had to depart eventually?

Thanks,  
Ben

---

**From:** FCC Office of Media Relations <[FCCOfficeofMediaRelations@fcc.gov](mailto:FCCOfficeofMediaRelations@fcc.gov)>  
**Sent:** Monday, November 30, 2020 10:39 AM  
**Subject:** FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC





**Media Contact:**

Brian Hart, (202) 418-0505

[brian.hart@fcc.gov](mailto:brian.hart@fcc.gov)

**For Immediate Release**

**CHAIRMAN PAI ANNOUNCES HIS INTENT TO DEPART FCC**

WASHINGTON, November 30, 2020—Today, Federal Communications Commission Chairman Ajit Pai announced that he intends to leave the Federal Communications Commission on January 20, 2021. Chairman Pai issued the following statement:

“It has been the honor of a lifetime to serve at the Federal Communications Commission, including as Chairman of the FCC over the past four years. I am grateful to President Trump for giving me the opportunity to lead the agency in 2017, to President Obama for appointing me as a Commissioner in 2012, and to Senate Majority Leader McConnell and the Senate for twice confirming me. To be the first Asian-American to chair the FCC has been a particular privilege. As I often say: only in America.

“I also deeply appreciate the chance to have worked alongside the FCC’s talented staff. They are the agency’s best assets, and they have performed heroically, especially during the pandemic. It’s also been an honor to work with my fellow Commissioners to execute a strong and broad agenda. Together, we’ve delivered for the American people over the past four years: closing the digital divide; promoting innovation and competition, from 5G on the ground to broadband from space; protecting consumers; and advancing public safety. And this FCC has not shied away from making tough choices. As a result, our nation’s communications networks are now faster, stronger, and more widely deployed than ever before.

“I am proud of how productive this Commission has been, from commencing five spectrum auctions and two rural broadband reverse auctions in four years, to opening 1,245 megahertz of mid-band spectrum for unlicensed use, to adopting more than 25 orders through our Modernization of Media Regulation Initiative, to aggressively protecting our communications networks from national security threats at home and abroad, to designating 988 as the three-digit number for the National Suicide Prevention Lifeline, and much, much more. I’m also proud of the reforms we have instituted to make the agency more accountable to the American people. In particular, for the first time ever, we’ve made public drafts of the proposals and orders slated for a vote three weeks before the agency’s monthly meetings, making this the most transparent FCC in history.

“Last but not least, I want to thank my family for all they have done to enable me to serve at the agency. The public service of one generally results from the private sacrifice of many, and I’m grateful for their love and support.”

###

Office of Chairman Pai: (202) 418-1000 / Twitter: [@AjitPaiFCC](https://twitter.com/AjitPaiFCC) / [www.fcc.gov/leadership/ajit-pai](https://www.fcc.gov/leadership/ajit-pai)

*This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.*

*See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).*

**From:** [Anne Veigle](#)  
**To:** [Matthew Berry](#); [Ajit Pai](#); [Nicholas Degani](#)  
**Cc:** [Brian Hart](#); [Will Wiquist](#); [Katie Gorscak](#)  
**Subject:** RE: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC  
**Date:** Monday, November 30, 2020 12:12:11 PM  
**Attachments:** [image001.jpg](#)

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thanks

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**From:** Matthew Berry <Matthew.Berry@fcc.gov>  
**Sent:** Monday, November 30, 2020 12:08 PM  
**To:** Anne Veigle <Anne.Veigle@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>  
**Cc:** Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>  
**Subject:** Re: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC

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**Sent:** Monday, November 30, 2020 12:00 PM  
**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Subject:** FW: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC

Do we want to answer these questions? This link seems to answer the second question about commissioner term limits in the leadership section: <https://www.fcc.gov/about-fcc/what-we-do>

1. Could Chairman Pai could have stayed on the commission if he wanted?
2. Are there term limits to serving as a commissioner? Would he have had to depart eventually?

---

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**Sent:** Monday, November 30, 2020 11:09 AM  
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**Media Contact:**

Brian Hart, (202) 418-0505

[brian.hart@fcc.gov](mailto:brian.hart@fcc.gov)

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“I am proud of how productive this Commission has been, from commencing five spectrum auctions and two rural broadband reverse auctions in four years, to opening 1,245 megahertz of mid-band spectrum for unlicensed use, to adopting more than 25 orders through our Modernization of Media Regulation Initiative, to aggressively protecting our communications networks from national security threats at home and abroad, to designating 988 as the three-digit number for the National Suicide Prevention Lifeline, and much, much more. I’m also proud of the reforms we have instituted to make the agency more accountable to the American people. In particular, for the first time ever, we’ve made public drafts of the proposals and orders slated for a vote three weeks before the agency’s monthly meetings, making this the most transparent FCC in history.

“Last but not least, I want to thank my family for all they have done to enable me to serve at the agency. The public service of one generally results from the private sacrifice of many, and I’m grateful for their love and support.”

###

**Office of Chairman Pai: (202) 418-1000 / Twitter: @AjitPaiFCC / [www.fcc.gov/leadership/ajit-pai](http://www.fcc.gov/leadership/ajit-pai)**

*This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).*

**From:** [Will Wiquist](#)  
**To:** [Anne Veigle](#); [Brian Hart](#); [Katie Gorscak](#)  
**Subject:** RE: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC  
**Date:** Monday, November 30, 2020 11:22:45 AM  
**Attachments:** [image001.jpg](#)

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(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Sent:** Monday, November 30, 2020 11:14 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Subject:** FW: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC

Can we answer these? His term is a public record. <https://www.fcc.gov/general/commissioners-1934-present>

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**From:** [ben@agri-pulse.com](mailto:ben@agri-pulse.com) <[ben@agri-pulse.com](mailto:ben@agri-pulse.com)>  
**Sent:** Monday, November 30, 2020 11:09 AM  
**To:** Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Subject:** FW: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC

Hi Anne,

Hope you are well and had a great Thanksgiving. I just have a few clarification questions here... My deadline is ASAP.

1. Could Chairman Pai could have stayed on the commission if he wanted?
2. Are there term limits to serving as a commissioner? Would he have had to depart eventually?

Thanks,  
Ben

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**From:** FCC Office of Media Relations <[FCCOfficeofMediaRelations@fcc.gov](mailto:FCCOfficeofMediaRelations@fcc.gov)>  
**Sent:** Monday, November 30, 2020 10:39 AM  
**Subject:** FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC



**Media Contact:**

Brian Hart, (202) 418-0505

[brian.hart@fcc.gov](mailto:brian.hart@fcc.gov)

**For Immediate Release****CHAIRMAN PAI ANNOUNCES HIS INTENT TO DEPART FCC**

WASHINGTON, November 30, 2020—Today, Federal Communications Commission Chairman Ajit Pai announced that he intends to leave the Federal Communications Commission on January 20, 2021. Chairman Pai issued the following statement:

“It has been the honor of a lifetime to serve at the Federal Communications Commission, including as Chairman of the FCC over the past four years. I am grateful to President Trump for giving me the opportunity to lead the agency in 2017, to President Obama for appointing me as a Commissioner in 2012, and to Senate Majority Leader McConnell and the Senate for twice confirming me. To be the first Asian-American to chair the FCC has been a particular privilege. As I often say: only in America.

“I also deeply appreciate the chance to have worked alongside the FCC’s talented staff. They are the agency’s best assets, and they have performed heroically, especially during the pandemic. It’s also been an honor to work with my fellow Commissioners to execute a strong and broad agenda. Together, we’ve delivered for the American people over the past four years: closing the digital divide; promoting innovation and competition, from 5G on the ground to broadband from space; protecting consumers; and advancing public safety. And this FCC has not shied away from making tough choices. As a result, our nation’s communications networks are now faster, stronger, and more widely deployed than ever before.

“I am proud of how productive this Commission has been, from commencing five spectrum auctions and two rural broadband reverse auctions in four years, to opening 1,245 megahertz of mid-band spectrum for unlicensed use, to adopting more than 25 orders through our Modernization of Media Regulation Initiative, to aggressively protecting our communications networks from national security threats at home and abroad, to designating 988 as the three-digit number for the National Suicide Prevention Lifeline, and much, much more. I’m also proud of the reforms we have instituted to make the agency more accountable to the American people. In particular, for the first time ever, we’ve made public drafts of the proposals and orders slated for a vote three weeks before the agency’s monthly meetings, making this the most transparent FCC in history.

“Last but not least, I want to thank my family for all they have done to enable me to serve at the agency. The public service of one generally results from the private sacrifice of many, and I’m grateful for their love and support.”

###

Office of Chairman Pai: (202) 418-1000 / Twitter: @AjitPaiFCC / [www.fcc.gov/leadership/ajit-pai](http://www.fcc.gov/leadership/ajit-pai)

*This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).*



**From:** [Make, Jonathan](#)  
**To:** [Brian Hart](#); [Anne Veigle](#); [Katie Gorscak](#); [Will Wiquist](#)  
**Subject:** Re: FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC  
**Date:** Monday, November 30, 2020 10:44:25 AM  
**Attachments:** [image002.jpg](#)

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Hi everyone.

We are writing a little bulletin on this now and then we will have a story in our regular issue.

We have a few questions. Would the chairman like to speak with us in an interview today about his plans following the FCC?

We had a few other questions, but if there will not be any on the record comment or answers, we will hold off on asking them.

Thank you.

On Nov 30, 2020, at 10:37 AM, FCC Office of Media Relations  
<FCCOfficeofMediaRelations@fcc.gov> wrote:

<image002.jpg>

**Media Contact:**

Brian Hart, (202) 418-0505  
[brian.hart@fcc.gov](mailto:brian.hart@fcc.gov)

**For Immediate Release**

**CHAIRMAN PAI ANNOUNCES HIS INTENT TO DEPART FCC**

WASHINGTON, November 30, 2020—Today, Federal Communications Commission Chairman Ajit Pai announced that he intends to leave the Federal Communications Commission on January 20, 2021. Chairman Pai issued the following statement:

“It has been the honor of a lifetime to serve at the Federal Communications Commission, including as Chairman of the FCC over the past four years. I am grateful to President Trump for giving me the opportunity to lead the agency in 2017, to President Obama for appointing me as a Commissioner in 2012, and to Senate Majority Leader McConnell and the Senate for twice confirming me. To be the first Asian-American to chair the FCC has been a particular privilege. As I often say: only in America.

“I also deeply appreciate the chance to have worked alongside the FCC’s talented staff. They are the agency’s best assets, and they have performed heroically, especially during the pandemic. It’s also been an honor to work with my fellow



Commissioners to execute a strong and broad agenda. Together, we've delivered for the American people over the past four years: closing the digital divide; promoting innovation and competition, from 5G on the ground to broadband from space; protecting consumers; and advancing public safety. And this FCC has not shied away from making tough choices. As a result, our nation's communications networks are now faster, stronger, and more widely deployed than ever before.

"I am proud of how productive this Commission has been, from commencing five spectrum auctions and two rural broadband reverse auctions in four years, to opening 1,245 megahertz of mid-band spectrum for unlicensed use, to adopting more than 25 orders through our Modernization of Media Regulation Initiative, to aggressively protecting our communications networks from national security threats at home and abroad, to designating 988 as the three-digit number for the National Suicide Prevention Lifeline, and much, much more. I'm also proud of the reforms we have instituted to make the agency more accountable to the American people. In particular, for the first time ever, we've made public drafts of the proposals and orders slated for a vote three weeks before the agency's monthly meetings, making this the most transparent FCC in history.

"Last but not least, I want to thank my family for all they have done to enable me to serve at the agency. The public service of one generally results from the private sacrifice of many, and I'm grateful for their love and support."

###

**Office of Chairman Pai: (202) 418-1000 / Twitter: @AjitPaiFCC / [www.fcc.gov/leadership/ajit-pai](http://www.fcc.gov/leadership/ajit-pai)**

*This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).*

**From:** [Brian Hart](#)  
**To:** [Matthew Berry](#); [Nicholas Degani](#); [Ajit Pai](#)  
**Subject:** Re: Fox Business digital inquiry  
**Date:** Tuesday, November 10, 2020 1:26:31 PM

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(b) (5)

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**From:** Ajit Pai <Ajit.Pai@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 1:24:36 PM  
**To:** Brian Hart <Brian.Hart@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>  
**Subject:** Fw: Fox Business digital inquiry

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**From:** Conklin, Audrey <Audrey.Conklin@FOXNEWS.COM>  
**Sent:** Tuesday, November 10, 2020 9:32 AM  
**To:** Ajit Pai <Ajit.Pai@fcc.gov>  
**Subject:** Fox Business digital inquiry

Hi, Chairman Pai,

I'm a digital reporter for Fox Business wondering if you might be available for a phone interview regarding President-Elect Biden's prospective plans to regulate Big Tech. His campaign hasn't gotten back to me, so I haven't heard directly from them regarding his plans to regulate Big Tech but have read reports like [this one](#) from the NY Times and wanted to ask your thoughts on the following:

- Is there a chance Biden could pursue antitrust investigations into Facebook, Amazon and Apple?
- Could Biden potentially revoke Section 230? How would his approach be different than Trump's?
- Do you think he could reimplement "net neutrality"?

Please let me know! Thank you for your time.

**Audrey Conklin**  
Digital Reporter  
Fox Business  
203-721-4193

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

**From:** [Evan Swarztrauber](#)  
**To:** [Brian Hart](#); [Anne Veigle](#)  
**Subject:** Re: Getting Chairman Pad back on  
**Date:** Thursday, November 12, 2020 2:05:58 PM

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(b) (5)

**Evan Swarztrauber**

Policy Advisor  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(202) 418-2261 (o)  
(202) 870-8405 (m)  
Twitter: @EvanS\_FCC

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**From:** Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>  
**Sent:** Thursday, November 12, 2020 10:56 AM  
**To:** Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>  
**Subject:** Re: Getting Chairman Pad back on

(b) (5)

**Evan Swarztrauber**

Policy Advisor  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(202) 418-2261 (o)  
(202) 870-8405 (m)  
Twitter: @EvanS\_FCC

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**From:** Brian Hart <Brian.Hart@fcc.gov>  
**Sent:** Thursday, November 12, 2020 10:51 AM  
**To:** Anne Veigle <Anne.Veigle@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>  
**Subject:** RE: Getting Chairman Pad back on

(b) (5)

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**From:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Sent:** Thursday, November 12, 2020 10:42 AM  
**To:** Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>

**Subject:** RE: Getting Chairman Pad back on

(b) (5)

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**From:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Sent:** Thursday, November 12, 2020 9:28 AM

**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>

**Subject:** Fw: Getting Chairman Pad back on

(b) (5)

**Evan Swarztrauber**

Policy Advisor

Office of Chairman Ajit Pai

Federal Communications Commission

(202) 418-2261 (o)

(202) 870-8405 (m)

Twitter: @EvanS\_FCC

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**From:** Daniel Susskind <[daniel.a.susskind@gmail.com](mailto:daniel.a.susskind@gmail.com)>

**Sent:** Wednesday, November 11, 2020 2:33 PM

**To:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Getting Chairman Pad back on

Hey Evan, how are you?

Would Chairman Pai be able to come back on with Carrie early next week to discuss:

<https://arstechnica.com/tech-policy/2020/11/ajit-pai-urged-to-accept-trump-loss-and-stop-controversial-rulemakings/>

The show is 9-10 am and we can be quite flexible on what day.

Dan Susskind

**From:** [Matthew Berry](#)  
**To:** [Brian Hart](#); [Ajit Pai](#); [Nicholas Degani](#); [Evan Swarztrauber](#)  
**Subject:** Re: In case this lands on your plate  
**Date:** Tuesday, November 10, 2020 9:39:00 AM

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(b) (5)

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**From:** Brian Hart <Brian.Hart@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 9:38 AM  
**To:** Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>  
**Subject:** Re: In case this lands on your plate

Also, Newsweek has asked for comment.

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**From:** Brian Hart <Brian.Hart@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 9:37 AM  
**To:** Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>  
**Subject:** Fw: In case this lands on your plate

FYI

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**From:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 9:17 AM  
**To:** Eduard Bartholme <Eduard.Bartholme@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>  
**Cc:** Michael Snyder <Michael.Snyder@fcc.gov>  
**Subject:** RE: In case this lands on your plate

+Brian  
Thanks for the alert.

---

**From:** Eduard Bartholme <Eduard.Bartholme@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 9:01 AM  
**To:** Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>  
**Cc:** Michael Snyder <Michael.Snyder@fcc.gov>  
**Subject:** In case this lands on your plate

We received 500 complaints overnight and about 50 more in the last 20 minutes. Almost every call this morning has been to file a complaint on this topic.

<https://www.newsweek.com/trump-supporters-encouraged-send-complaints-fcc-networks-calling-biden-president-elect-1546204>

Let me know if you have any approved language, or if something gets developed.

Ed

**From:** [Michael J. Carlson](#)  
**To:** [Nicholas Degani](#); [Matthew Berry](#); [Thomas Johnson](#); [Michelle Carey](#)  
**Cc:** [Alexander Sanjenis](#); [Ajit Pai](#); [Brian Hart](#); [Evan Swarztrauber](#); [William Richardson](#)  
**Subject:** RE: Joe Flint of WSJ here  
**Date:** Tuesday, November 3, 2020 12:39:07 PM

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(b) (5)

[Redacted]

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**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Sent:** Tuesday, November 3, 2020 10:49 AM  
**To:** Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>  
**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>  
**Subject:** RE: Joe Flint of WSJ here

(b) (5)

[Redacted]

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**From:** Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Sent:** Tuesday, November 3, 2020 11:22 AM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Brian Hart

<[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>

**Subject:** RE: Joe Flint of WSJ here

(b) (5)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Tuesday, November 3, 2020 10:15 AM

**To:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>

**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>

**Subject:** Re: Joe Flint of WSJ here

(b) (5)

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**From:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>

**Sent:** Monday, November 2, 2020 4:12 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>

**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>

**Subject:** Re: Joe Flint of WSJ here



(b) (5)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Monday, November 2, 2020 3:39 PM  
**To:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Cc:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

Thanks all!

---

**From:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>  
**Sent:** Monday, November 2, 2020 3:37 PM  
**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Cc:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>  
**Subject:** RE: Joe Flint of WSJ here

(b) (5)

---

**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Sent:** Monday, November 2, 2020 3:32 PM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Cc:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>  
**Subject:** RE: Joe Flint of WSJ here

(b) (5)

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**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Monday, November 2, 2020 3:29 PM  
**To:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Cc:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani

<[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber  
<[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)



[Redacted content]

[Redacted content]

[Redacted content]

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**From:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>  
**Sent:** Monday, November 2, 2020 3:24 PM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Cc:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Alexander Sanjenis  
<[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani  
<[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber  
<[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>  
**Subject:** RE: Joe Flint of WSJ here

(b) (5)



[Redacted content]

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Monday, November 2, 2020 3:03 PM  
**To:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Cc:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Alexander Sanjenis  
<[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani  
<[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber  
<[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)



[Redacted content]

Thanks!

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Monday, November 2, 2020 2:51 PM  
**To:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Cc:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)

---

**From:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>  
**Sent:** Monday, November 2, 2020 2:30 PM  
**To:** Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Cc:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; William Richardson <[William.Richardson@fcc.gov](mailto:William.Richardson@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)

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**From:** Michael J. Carlson  
**Sent:** Monday, November 2, 2020 1:27 PM  
**To:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>  
**Subject:** RE: Joe Flint of WSJ here

(b) (5)

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Michael J. Carlson

**Sent:** Monday, November 2, 2020 1:03 PM

**To:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Cc:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** RE: Joe Flint of WSJ here

Thanks Tom. In that case, I'll send something in the next ten minutes. Apologies for the delay.

---

**From:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>

**Sent:** Monday, November 2, 2020 1:02 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Cc:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Re: Joe Flint of WSJ here

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Monday, November 2, 2020 1:57 PM

**To:** Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Cc:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Subject:** Re: Joe Flint of WSJ here

When will that be?

---

**From:** Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Sent:** Monday, November 2, 2020 1:56 PM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>  
**Subject:** RE: Joe Flint of WSJ here

(b) (5)

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Monday, November 2, 2020 12:55 PM  
**To:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)

---

**From:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>  
**Sent:** Monday, November 2, 2020 10:06 AM  
**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

Revised PN attached. I removed the staff's phone numbers and put their emails.

---

**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Sent:** Friday, October 30, 2020 2:56 PM  
**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

OK

---

**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>



**Sent:** Friday, October 30, 2020 2:52 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>

**Subject:** RE: Joe Flint of WSJ here

(b) (5)

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Friday, October 30, 2020 2:39 PM

**To:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>

**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>

**Subject:** Re: Joe Flint of WSJ here

(b) (5)

[Redacted]

[Redacted]

[Redacted]

---

**From:** Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>

**Sent:** Friday, October 30, 2020 12:37 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Michael J. Carlson <[Michael.Carlson@fcc.gov](mailto:Michael.Carlson@fcc.gov)>

**Subject:** Re: Joe Flint of WSJ here

(b) (5)

(b) (5)

[Redacted]

[Redacted]

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Friday, October 30, 2020 12:08 PM  
**To:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Thomas Johnson <[Thomas.Johnson@fcc.gov](mailto:Thomas.Johnson@fcc.gov)>  
**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>  
**Subject:** Re: Joe Flint of WSJ here

(b) (5)

[Redacted]

[Redacted]

---

**From:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>  
**Sent:** Friday, October 30, 2020 12:04 PM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Cc:** Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>  
**Subject:** Fwd: Joe Flint of WSJ here

(b) (5)

[Redacted]

Sent from my iPhone

Begin forwarded message:

**From:** Gary Schonman <[Gary.Schonman@fcc.gov](mailto:Gary.Schonman@fcc.gov)>  
**Date:** October 30, 2020 at 10:45:41 AM EDT  
**To:** Michelle Carey <[Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov)>  
**Cc:** Maria Mullarkey <[Maria.Mullarkey@fcc.gov](mailto:Maria.Mullarkey@fcc.gov)>, Hillary DeNigro <[Hillary.DeNigro@fcc.gov](mailto:Hillary.DeNigro@fcc.gov)>, Robert Baker <[Robert.Baker@fcc.gov](mailto:Robert.Baker@fcc.gov)>, Sima Nilsson <[Sima.Nilsson@fcc.gov](mailto:Sima.Nilsson@fcc.gov)>, Janice Wise <[Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)>  
**Subject:** FW: Joe Flint of WSJ here

(b) (5)

[Redacted]

[Redacted]

Gary

Gary Schonman  
Special Counsel  
Political Programming Staff  
Policy Division, Media Bureau  
Federal Communications Commission  
Washington, DC 20554  
(Office) 202-418-1795  
(Mobile) 202-239-9702

-----Original Message-----

From: Janice Wise <[Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)>  
Sent: Friday, October 30, 2020 10:07 AM  
To: Robert Baker <[Robert.Baker@fcc.gov](mailto:Robert.Baker@fcc.gov)>; Gary Schonman <[Gary.Schonman@fcc.gov](mailto:Gary.Schonman@fcc.gov)>; Sima Nilsson <[Sima.Nilsson@fcc.gov](mailto:Sima.Nilsson@fcc.gov)>  
Subject: FW: Joe Flint of WSJ here

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[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

-----Original Message-----

From: Flint, Joseph <[joe.flint@wsj.com](mailto:joe.flint@wsj.com)>  
Sent: Friday, October 30, 2020 10:00 AM  
To: Janice Wise <[Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)>  
Subject: Re: Joe Flint of WSJ here

Admittedly this is a bit of a hypothetical. If one or both candidates contest the results and they and or third party groups want to run ads challenging the election, do those count as political spots. If a Trump or Biden campaign buys a spot saying, keep counting in PA or something like that, is it considered a candidate's ad that can't be censored and must be given air time (at lowest unit rate)? Or since the election is over, it will be up to the broadcaster to decide whether to carry such a spot.

Third party ads as I understand it can be fact checked and rejected.

I know some broadcasters are already asking about this and while we're in uncharted territory, I assume the FCC has an answer or guideline on this scenario.

Thanks much.

On Fri, Oct 30, 2020 at 6:53 AM Janice Wise <[Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)> wrote:



It has been a long time, Joe. Send me a list of your questions and I will get back to you.

Stay well.

-----Original Message-----

From: Flint, Joseph <[joe.flint@wsj.com](mailto:joe.flint@wsj.com)>

Sent: Friday, October 30, 2020 9:50 AM

To: Janice Wise <[Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)>

Subject: Joe Flint of WSJ here

Hi Janice,

Long time no chat. Hope you're well.

Have some political advertising questions that I thought you might be able to help on or hook me up with Bobby Baker.

My phone is 646-232-7260.

--

Joe Flint

STAFF REPORTER

M: 646-232-7260 O: 323-591-6507

E: [Joe.Flint@WSJ.com](mailto:Joe.Flint@WSJ.com)

T: @JBFlint

A: 5900 Wilshire Blvd., Los Angeles, CA 90036

--

Joe Flint

STAFF REPORTER

M: 646-232-7260 O: 323-591-6507

E: [Joe.Flint@WSJ.com](mailto:Joe.Flint@WSJ.com)

T: @JBFlint

A: 5900 Wilshire Blvd., Los Angeles, CA 90036

**From:** [Will Wiquist](#)  
**To:** [Make, Jonathan](#); [Anne Veigle](#); [Brian Hart](#); [Katie Gorscak](#)  
**Cc:** [hbuskirk@warren-news.com](mailto:hbuskirk@warren-news.com); [mdaneman@warren-news.com](mailto:mdaneman@warren-news.com)  
**Subject:** RE: media Q  
**Date:** Tuesday, November 10, 2020 4:35:52 PM

---

+Howard and Matt as they also asked.

No comment

---

**From:** Make, Jonathan <jmake@warren-news.com>  
**Sent:** Tuesday, November 10, 2020 4:23 PM  
**To:** Anne Veigle <Anne.Veigle@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>  
**Subject:** media Q

Hi FCC PR –

Just checking in case there is any on the record comment re the letter below? We are writing a news bulletin with a 4:30P deadline. Our regular story has a 5P deadline.

Does the FCC intend to honor this request?

I've also tried a few of you by phone.

Thank you.  
Jonathan

---

**From:** Energy & Commerce News [<mailto:ecdemnews@ecdem.housecommunications.gov>]  
**Sent:** Tuesday, November 10, 2020 3:18 PM  
**To:** Make, Jonathan  
**Subject:** E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results





FOR IMMEDIATE RELEASE  
November 10, 2020

CONTACT  
[Elvsa Montfort](#) (202) 225-5735

## **E&C Leaders Demand Trump FCC and FTC Stop Work on Controversial Items in Light of Election Results**

**Washington, D.C.** – Energy and Commerce Committee leaders today wrote to Federal Communications Commission (FCC) Chairman Ajit Pai and Federal Trade Commission (FTC) Chairman Joseph Simons demanding that the two commissions stop work on all partisan or controversial items currently under consideration in light of the results of last week’s presidential election.

**“With the results of the 2020 presidential election now apparent, leadership of the FTC will undoubtedly be changing,”** Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) and Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky (D-IL) wrote in a letter to the FTC. **“As a traditional part of the transfer of power — and as part of our oversight responsibilities**

— we strongly urge the agency to only pursue consensus and administrative matters that are non-partisan for the remainder of your tenure.”

Pallone and Communications and Technology Subcommittee Chairman Mike Doyle (D-PA) expressed the same sentiment in their letter to the FCC, adding: **“We note that you have previously welcomed calls from congressional leaders for the FCC to ‘halt further action on controversial items during the transition period.’ We hope you will respect this time-honored tradition now.”**

In both letters, the Committee leaders acknowledge there are likely a number of consensus matters for the two commissions to carry out and the lawmakers encourage them to do so quickly.

The letter to FTC is available [HERE](#) and the letter to FCC is available [HERE](#).

###

[energycommerce.house.gov](http://energycommerce.house.gov) | [Twitter](#) | [Facebook](#) | [Instagram](#) | [YouTube](#) | [Flickr](#)

Energy & Commerce Democrats | 2125 Rayburn HOB, Washington, DC 20515 | 2125 Rayburn HOB, Washington, DC 20003

[Unsubscribe jmake@warren-news.com](mailto:jmake@warren-news.com)

[Update Profile](#) | [About our service provider](#)

Sent by [ecdemnews@ecdem.housecommunications.gov](mailto:ecdemnews@ecdem.housecommunications.gov) powered by



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**From:** [Katie Gorscak](#)  
**To:** [Sean Spivey](#); [Alexander Sanjenis](#); [Michael Carowitz](#); [Allison Baker](#); [Preston Wise](#); [Zenji Nakazawa](#)  
**Cc:** [Brian Hart](#); [Anne Veigle](#); [Will Wiquist](#); [Matthew Berry](#); [Nicholas Degani](#)  
**Subject:** Re: November Press Prep  
**Date:** Monday, November 16, 2020 2:30:05 PM

---

Thanks, Sean. Appreciate it.

---

**From:** Sean Spivey <Sean.Spivey@fcc.gov>  
**Sent:** Monday, November 16, 2020 1:52 PM  
**To:** Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>  
**Cc:** Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>  
**Subject:** RE: November Press Prep

Edits from me in the attached. I also tried to merge in Allison's edits (since the chain seemed to diverge a bit this AM).

Sean

---

**From:** Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>  
**Sent:** Monday, November 16, 2020 1:18 PM  
**To:** Michael Carowitz <Michael.Carowitz@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>  
**Cc:** Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>  
**Subject:** RE: November Press Prep

Edits attached.

---

**From:** Alexander Sanjenis  
**Sent:** Monday, November 16, 2020 1:12 PM  
**To:** Michael Carowitz <[Michael.Carowitz@fcc.gov](#)>; Allison Baker <[Allison.Baker@fcc.gov](#)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](#)>; Preston Wise <[Preston.Wise@fcc.gov](#)>; Zenji Nakazawa <[Zenji.Nakazawa@fcc.gov](#)>; Sean Spivey <[Sean.Spivey@fcc.gov](#)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](#)>; Anne Veigle <[Anne.Veigle@fcc.gov](#)>; Will Wiquist <[Will.Wiquist@fcc.gov](#)>; Matthew Berry <[Matthew.Berry@fcc.gov](#)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](#)>  
**Subject:** RE: November Press Prep

I'm going into the document now.

---

**From:** Michael Carowitz <[Michael.Carowitz@fcc.gov](mailto:Michael.Carowitz@fcc.gov)>  
**Sent:** Monday, November 16, 2020 12:25 PM  
**To:** Allison Baker <[Allison.Baker@fcc.gov](mailto:Allison.Baker@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Preston Wise <[Preston.Wise@fcc.gov](mailto:Preston.Wise@fcc.gov)>; Zenji Nakazawa <[Zenji.Nakazawa@fcc.gov](mailto:Zenji.Nakazawa@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Sean Spivey <[Sean.Spivey@fcc.gov](mailto:Sean.Spivey@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Subject:** Re: November Press Prep

(b) (5)

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**From:** "Allison Baker" <[Allison.Baker@fcc.gov](mailto:Allison.Baker@fcc.gov)>  
**Date:** Monday, November 16, 2020 at 11:39:55 AM  
**To:** "Katie Gorscak" <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>, "Michael Carowitz" <[Michael.Carowitz@fcc.gov](mailto:Michael.Carowitz@fcc.gov)>, "Preston Wise" <[Preston.Wise@fcc.gov](mailto:Preston.Wise@fcc.gov)>, "Zenji Nakazawa" <[Zenji.Nakazawa@fcc.gov](mailto:Zenji.Nakazawa@fcc.gov)>, "Alexander Sanjenis" <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>, "Sean Spivey" <[Sean.Spivey@fcc.gov](mailto:Sean.Spivey@fcc.gov)>  
**Cc:** "Brian Hart" <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>, "Anne Veigle" <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>, "Will Wiquist" <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>, "Matthew Berry" <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>, "Nicholas Degani" <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Subject:** RE: November Press Prep

(b) (5)

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**From:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Sent:** Friday, November 13, 2020 3:58 PM  
**To:** Michael Carowitz <[Michael.Carowitz@fcc.gov](mailto:Michael.Carowitz@fcc.gov)>; Preston Wise <[Preston.Wise@fcc.gov](mailto:Preston.Wise@fcc.gov)>; Zenji Nakazawa <[Zenji.Nakazawa@fcc.gov](mailto:Zenji.Nakazawa@fcc.gov)>; Allison Baker <[Allison.Baker@fcc.gov](mailto:Allison.Baker@fcc.gov)>; Alexander Sanjenis <[Alexander.Sanjenis@fcc.gov](mailto:Alexander.Sanjenis@fcc.gov)>; Sean Spivey <[Sean.Spivey@fcc.gov](mailto:Sean.Spivey@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Subject:** November Press Prep

Advisors – The draft press prep document is attached for your review. Please note that the majority of hot topic Q&A remain in draft form and will be fleshed out early next week.

Please send us your edits by 4 p.m. on Monday, November 16<sup>th</sup>.

Regards,

Katie L. Gorscak  
Federal Communications Commission  
Office of Media Relations  
445 12<sup>th</sup> St. SW, Room 4-C735  
Washington, DC 20554  
Phone: 202-418-2156  
Cell: 202-380-8116

**From:** [Katie Gorscak](#)  
**To:** [Zenji Nakazawa](#); [Brian Hart](#)  
**Subject:** Re: November Press Prep  
**Date:** Monday, November 16, 2020 11:51:06 AM

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(b) (5)

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**From:** Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>  
**Sent:** Monday, November 16, 2020 11:50 AM  
**To:** Katie Gorscak <Katie.Gorscak@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>  
**Subject:** Re: November Press Prep

(b) (5)

---

**From:** Allison Baker <Allison.Baker@fcc.gov>  
**Sent:** Monday, November 16, 2020 11:39 AM  
**To:** Katie Gorscak <Katie.Gorscak@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>  
**Cc:** Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>  
**Subject:** RE: November Press Prep

(b) (5)

---

**From:** Katie Gorscak <Katie.Gorscak@fcc.gov>



**Sent:** Friday, November 13, 2020 3:58 PM

**To:** Michael Carowitz <Michael.Carowitz@fcc.gov>; Preston Wise <Preston.Wise@fcc.gov>; Zenji Nakazawa <Zenji.Nakazawa@fcc.gov>; Allison Baker <Allison.Baker@fcc.gov>; Alexander Sanjenis <Alexander.Sanjenis@fcc.gov>; Sean Spivey <Sean.Spivey@fcc.gov>

**Cc:** Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>

**Subject:** November Press Prep

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Please send us your edits by 4 p.m. on Monday, November 16<sup>th</sup>.

Regards,

Katie L. Gorscak  
Federal Communications Commission  
Office of Media Relations  
445 12<sup>th</sup> St. SW, Room 4-C735  
Washington, DC 20554  
Phone: 202-418-2156  
Cell: 202-380-8116

**From:** [Perera, David \(LNG-MLEX\)](#)  
**To:** [Brian Hart](#); [Will Wiquist](#)  
**Subject:** RE: post-meeting presser  
**Date:** Wednesday, November 18, 2020 10:20:49 AM  
**Attachments:** [image001.png](#)

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Thanks for getting back to me. Cheers, Dave

---

**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Sent:** Wednesday, November 18, 2020 10:14 AM  
**To:** Perera, David (LNG-MLEX) <[perera@mlex.com](mailto:perera@mlex.com)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Subject:** Re: post-meeting presser

\*\*\* External email: use caution \*\*\*

No press coference today.

---

**From:** Perera, David (LNG-MLEX) <[perera@mlex.com](mailto:perera@mlex.com)>  
**Sent:** Wednesday, November 18, 2020 10:08 AM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Subject:** post-meeting presser

Hi Brian, Hi Will,

Will Chairman Pai be having a post-meeting press availability? Thanks, Dave

---

David Perera ☐ MLex data security and privacy reporter  
[perera@mlex.com](mailto:perera@mlex.com) ☐ o: 202 909 2141 m: 202 2☐0 9949

1776 I (Eye☐Street NW Suite 260 ☐ Washington, D.C. 20006 ☐ United States ☐ [www.mlexmarketinsight.com](http://www.mlexmarketinsight.com) ☐ [www.ftcwatch.com](http://www.ftcwatch.com)



**From:** [Katie Gorscak](#)  
**To:** [Will Wiquist](#); [Brian Hart](#); [Anne Veigle](#); [Rochelle Cohen](#)  
**Subject:** RE: Press prep  
**Date:** Tuesday, November 10, 2020 2:09:18 PM

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Noted.

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**From:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:09 PM  
**To:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Rochelle Cohen <[Rochelle.Cohen@fcc.gov](mailto:Rochelle.Cohen@fcc.gov)>  
**Subject:** RE: Press prep

(b) (5)

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**From:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:07 PM  
**To:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Rochelle Cohen <[Rochelle.Cohen@fcc.gov](mailto:Rochelle.Cohen@fcc.gov)>  
**Subject:** RE: Press prep

(b) (5)

---

**From:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:07 PM  
**To:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Rochelle Cohen <[Rochelle.Cohen@fcc.gov](mailto:Rochelle.Cohen@fcc.gov)>  
**Subject:** RE: Press prep

(b) (5)

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**From:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:06 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Rochelle Cohen <[Rochelle.Cohen@fcc.gov](mailto:Rochelle.Cohen@fcc.gov)>  
**Subject:** Press prep

(b) (5)

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[REDACTED]

[REDACTED]

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[REDACTED]

- [REDACTED]
- [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Katie L. Gorscak  
Federal Communications Commission  
Office of Media Relations  
445 12<sup>th</sup> St. SW, Room 4-C735  
Washington, DC 20554  
Phone: 202-418-2156  
Cell: 202-380-8116

**From:** [Brian Hart](#)  
**To:** [Ajit Pai](#); [Matthew Berry](#); [Nicholas Degani](#)  
**Subject:** Re: press prep...  
**Date:** Wednesday, November 11, 2020 11:36:13 PM

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(b) (5)

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**From:** Ajit Pai <Ajit.Pai@fcc.gov>  
**Sent:** Wednesday, November 11, 2020 11:26 PM  
**To:** Matthew Berry <Matthew.Berry@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>  
**Subject:** Re: press prep...

---

(b) (5)

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**From:** Matthew Berry <Matthew.Berry@fcc.gov>  
**Sent:** Wednesday, November 11, 2020 10:26 PM  
**To:** Brian Hart <Brian.Hart@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>  
**Subject:** Re: press prep...

---

(b) (5)

---

**From:** Brian Hart <Brian.Hart@fcc.gov>  
**Sent:** Tuesday, November 10, 2020 5:41 PM  
**To:** Matthew Berry <Matthew.Berry@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>  
**Subject:** press prep...

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[Redacted]

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[Redacted]

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[REDACTED]

[REDACTED]

**From:** [Katie Gorscak](#)  
**To:** [Brian Hart](#)  
**Subject:** RE: Press prep  
**Date:** Tuesday, November 10, 2020 2:56:07 PM  
**Attachments:** [2020-11 Open Meeting - November Press Prep Draft.docx](#)

---

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:10 PM  
**To:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Subject:** Re: Press prep

(b) (5)

[REDACTED]

---

**From:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:07 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** RE: Press prep

(b) (5)

[REDACTED]

[REDACTED]

---

**From:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:07 PM  
**To:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Subject:** Re: Press prep

Can you please email me the document?

---

**From:** Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:05 PM  
**To:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Rochelle Cohen <[Rochelle.Cohen@fcc.gov](mailto:Rochelle.Cohen@fcc.gov)>  
**Subject:** Press prep

To all:

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) [Redacted]

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- [Redacted]
  - [Redacted]
  - [Redacted]
  - [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Katie L. Gorscak  
Federal Communications Commission  
Office of Media Relations  
445 12<sup>th</sup> St. SW, Room 4-C735  
Washington, DC 20554  
Phone: 202-418-2156  
Cell: 202-380-8116



**From:** [Will Wiquist](#)  
**To:** [Nicholas Degani](#); [Matthew Berry](#); [Paul Jackson](#); [Ajit Pai](#); [Sean Spivey](#)  
**Cc:** [Brian Hart](#); [Anne Veigle](#); [Katie Gorscak](#); [Rebecca Brown](#)  
**Subject:** RE: Queries: CommDaily on Records Letter; TR Daily re 5.9 request from DOT  
**Date:** Tuesday, November 10, 2020 2:37:54 PM

---

Done. Thanks

---

**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:16 PM  
**To:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Sean Spivey <[Sean.Spivey@fcc.gov](mailto:Sean.Spivey@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Rebecca Brown <[Rebecca.Brown@fcc.gov](mailto:Rebecca.Brown@fcc.gov)>  
**Subject:** RE: Queries: CommDaily on Records Letter; TR Daily re 5.9 request from DOT

(b) (5)

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**From:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:06 PM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Sean Spivey <[Sean.Spivey@fcc.gov](mailto:Sean.Spivey@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Rebecca Brown <[Rebecca.Brown@fcc.gov](mailto:Rebecca.Brown@fcc.gov)>  
**Subject:** RE: Queries: CommDaily on Records Letter; TR Daily re 5.9 request from DOT

(b) (5)

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 2:02 PM  
**To:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Sean Spivey <[Sean.Spivey@fcc.gov](mailto:Sean.Spivey@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Rebecca Brown <[Rebecca.Brown@fcc.gov](mailto:Rebecca.Brown@fcc.gov)>  
**Subject:** Re: Queries: CommDaily on Records Letter; TR Daily re 5.9 request from DOT

(b) (5)

---

**From:** Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 1:51 PM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Sean Spivey

<[Sean.Spivey@fcc.gov](mailto:Sean.Spivey@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Rebecca Brown <[Rebecca.Brown@fcc.gov](mailto:Rebecca.Brown@fcc.gov)>

**Subject:** Re: Queries: CommDaily on Records Letter; TR Daily re 5.9 request from DOT

(b) (5)

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Tuesday, November 10, 2020 1:43 PM

**To:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Sean Spivey <[Sean.Spivey@fcc.gov](mailto:Sean.Spivey@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Rebecca Brown <[Rebecca.Brown@fcc.gov](mailto:Rebecca.Brown@fcc.gov)>

**Subject:** Re: Queries: CommDaily on Records Letter; TR Daily re 5.9 request from DOT

(b) (5)

[REDACTED]

[REDACTED]

---

**From:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>

**Sent:** Tuesday, November 10, 2020 1:38 PM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Sean Spivey <[Sean.Spivey@fcc.gov](mailto:Sean.Spivey@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>; Paul Jackson <[Paul.Jackson@fcc.gov](mailto:Paul.Jackson@fcc.gov)>; Rebecca Brown <[Rebecca.Brown@fcc.gov](mailto:Rebecca.Brown@fcc.gov)>

**Subject:** Queries: CommDaily on Records Letter; TR Daily re 5.9 request from DOT

(b) (5)

- [REDACTED]

[REDACTED]

- [REDACTED]

---

**From:** Energy & Commerce News <[ecdemnews@ecdem.housecommunications.gov](mailto:ecdemnews@ecdem.housecommunications.gov)>

**Sent:** Tuesday, November 10, 2020 10:57 AM

**To:** Phillips, Jimm <[jphillips@warren-news.com](mailto:jphillips@warren-news.com)>

**Subject:** ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents



**FOR IMMEDIATE RELEASE**

November 10, 2020

**CONTACT**

[CJ Young](#) (202) 225-5735

**House Committee Chairs Send Dozens of Letters Directing White House  
and Federal Agencies to Preserve Documents**

**Washington, D.C.** – Today, Committee Chairs across the House of Representatives sent [letters](#) directing the White House and more than 50 federal agencies within their jurisdictions to comply with federal record-keeping laws and preserve information responsive to congressional subpoenas and investigations.

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These preservation letters cover documents and electronic messages and metadata involving official business that were sent using both official and personal accounts or devices, including communications through text messaging, phone-based message applications, or encryption software.

**“Over the last four years, the Administration obstructed numerous congressional investigations by refusing to provide responsive information,”** the Chairs wrote in letters to agencies. **“You are obligated to ensure that any information previously requested by Congress—and any other information that is required by law to be preserved—is saved and appropriately archived in a manner that is easily retrievable.”**

Collectively, the letters were signed by:

Oversight and Reform Committee Chair Carolyn B. Maloney  
Agriculture Committee Chair Collin Peterson  
Appropriations Committee Chair Nita M. Lowey  
Armed Services Committee Chair Adam Smith  
Budget Committee Chair John Yarmuth  
Committee on House Administration Chair Zoe Lofgren  
Education and Labor Committee Chair Bobby Scott  
Energy and Commerce Committee Chair Frank Pallone, Jr.  
Financial Services Committee Chair Maxine Waters  
Foreign Affairs Committee Chair Eliot Engel  
Homeland Security Committee Chair Bennie G. Thompson  
Permanent Select Committee on Intelligence Chair Adam B. Schiff  
Judiciary Committee Chair Jerrold Nadler  
Natural Resources Committee Chair Raúl M. Grijalva  
Rules Committee Chair James P. McGovern  
Science, Space, and Technology Committee Chair Eddie Bernice Johnson  
Select Committee on the Climate Crisis Chair Kathy Castor  
Small Business Committee Chair Nydia M. Velázquez  
Transportation and Infrastructure Committee Chair Peter A. DeFazio  
Veterans’ Affairs Committee Chair Mark Takano  
Ways & Means Committee Chair Richard E. Neal.

The Committee Chairs thank Reps. Sean Casten and Tom Malinowski for their substantial contributions to this effort.

Click [here](#) to read today’s letters.

###

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Washington, DC 20003

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**From:** [Will Wiquist](#)  
**To:** [Anne Veigle](#); [Brian Hart](#); [Katie Gorscak](#)  
**Subject:** RE: Query Re: ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents  
**Date:** Tuesday, November 10, 2020 1:24:20 PM

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(b) (5)

---

**From:** Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 1:19 PM  
**To:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Subject:** RE: Query Re: ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents

(b) (5)

---

**From:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 1:18 PM  
**To:** Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Subject:** RE: Query Re: ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents

(b) (5)

---

**From:** Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Sent:** Tuesday, November 10, 2020 1:17 PM  
**To:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Katie Gorscak <[Katie.Gorscak@fcc.gov](mailto:Katie.Gorscak@fcc.gov)>  
**Subject:** RE: Query Re: ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents

(b) (5)

---

**From:** Phillips, Jimm <[jphillips@warren-news.com](mailto:jphillips@warren-news.com)>  
**Sent:** Tuesday, November 10, 2020 12:52 PM  
**To:** Will Wiquist <[Will.Wiquist@fcc.gov](mailto:Will.Wiquist@fcc.gov)>; Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>; Anne Veigle <[Anne.Veigle@fcc.gov](mailto:Anne.Veigle@fcc.gov)>  
**Subject:** Query Re: ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents

All,

Any FCC comment?

Thanks,  
Jimm

Jimm Phillips  
Communications Daily  
[jphillips@warren-news.com](mailto:jphillips@warren-news.com)

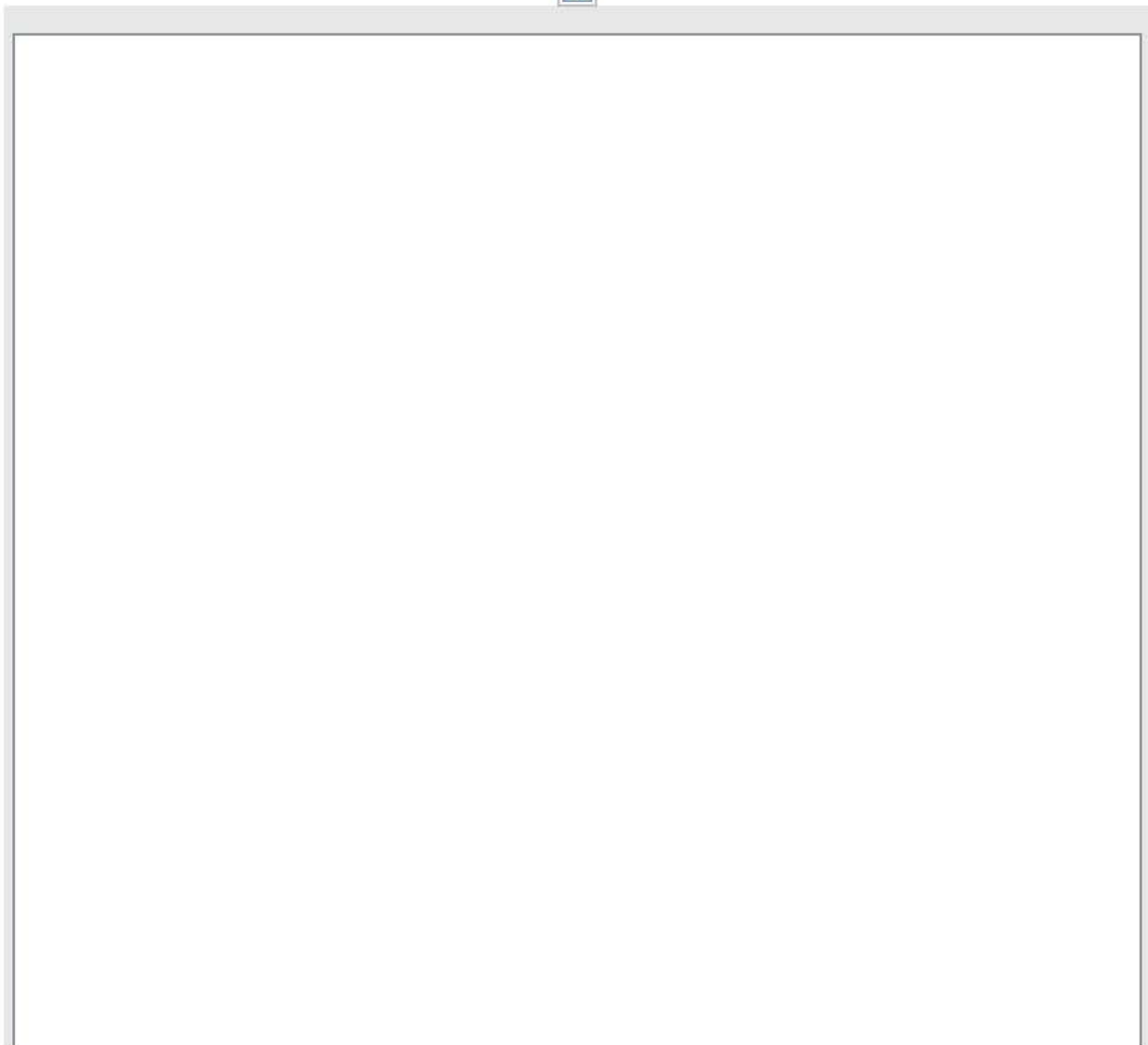
---

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**Sent:** Tuesday, November 10, 2020 10:57 AM

**To:** Phillips, Jimm <[jphillips@warren-news.com](mailto:jphillips@warren-news.com)>

**Subject:** ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents





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**CONTACT**

[CJ Young](#) (202) 225-5735

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Cipollone.

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Committee on House Administration Chair Zoe Lofgren  
Education and Labor Committee Chair Bobby Scott  
Energy and Commerce Committee Chair Frank Pallone, Jr.  
Financial Services Committee Chair Maxine Waters  
Foreign Affairs Committee Chair Eliot Engel  
Homeland Security Committee Chair Bennie G. Thompson  
Permanent Select Committee on Intelligence Chair Adam B. Schiff  
Judiciary Committee Chair Jerrold Nadler  
Natural Resources Committee Chair Raúl M. Grijalva  
Rules Committee Chair James P. McGovern  
Science, Space, and Technology Committee Chair Eddie Bernice Johnson  
Select Committee on the Climate Crisis Chair Kathy Castor  
Small Business Committee Chair Nydia M. Velázquez  
Transportation and Infrastructure Committee Chair Peter A. DeFazio  
Veterans' Affairs Committee Chair Mark Takano  
Ways & Means Committee Chair Richard E. Neal.

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###

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**From:** [Will Wiquist](#)  
**To:** [Phillips, Jimm](#); [Brian Hart](#); [Anne Veigle](#)  
**Subject:** RE: Query Re: ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents  
**Date:** Tuesday, November 10, 2020 1:56:02 PM

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We'll decline comment. Thanks.

---

**From:** Phillips, Jimm <jphillips@warren-news.com>  
**Sent:** Tuesday, November 10, 2020 12:52 PM  
**To:** Will Wiquist <Will.Wiquist@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Anne Veigle <Anne.Veigle@fcc.gov>  
**Subject:** Query Re: ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents

All,

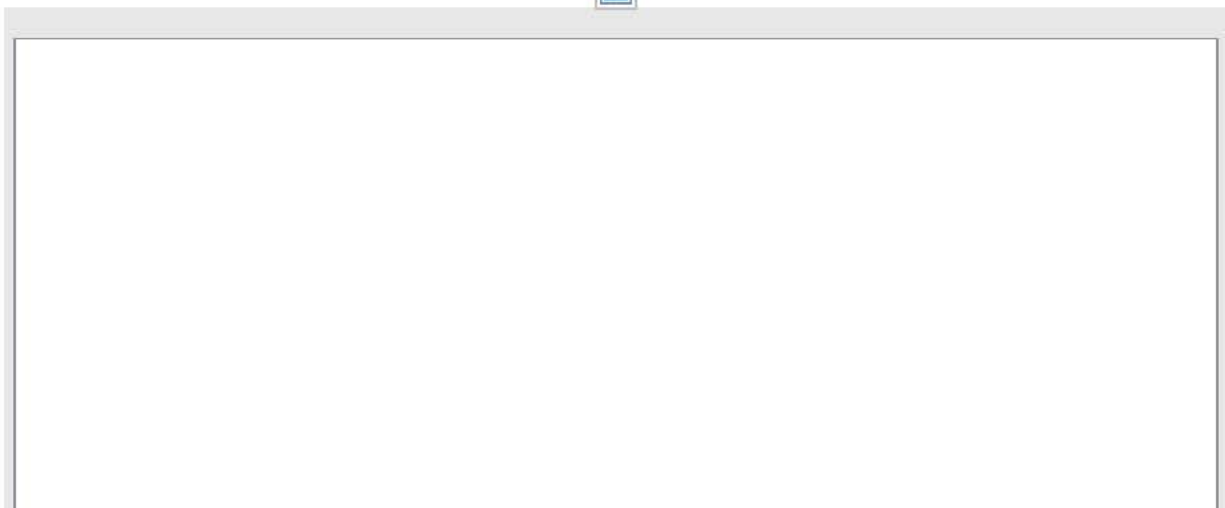
Any FCC comment?

Thanks,  
Jimm

Jimm Phillips  
Communications Daily  
[jphillips@warren-news.com](mailto:jphillips@warren-news.com)

---

**From:** Energy & Commerce News <[ecdemnews@ecdem.housecommunications.gov](mailto:ecdemnews@ecdem.housecommunications.gov)>  
**Sent:** Tuesday, November 10, 2020 10:57 AM  
**To:** Phillips, Jimm <[jphillips@warren-news.com](mailto:jphillips@warren-news.com)>  
**Subject:** ICYMI: House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents





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Education and Labor Committee Chair Bobby Scott  
Energy and Commerce Committee Chair Frank Pallone, Jr.  
Financial Services Committee Chair Maxine Waters  
Foreign Affairs Committee Chair Eliot Engel  
Homeland Security Committee Chair Bennie G. Thompson  
Permanent Select Committee on Intelligence Chair Adam B. Schiff  
Judiciary Committee Chair Jerrold Nadler  
Natural Resources Committee Chair Raúl M. Grijalva  
Rules Committee Chair James P. McGovern  
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Ways & Means Committee Chair Richard E. Neal.

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**From:** [Ajit Pai](#)  
**To:** [Matthew Berry](#); [Lamar Robertson](#); [Nicholas Degani](#); [Evan Swarztrauber](#); [Montana L. Hyde](#)  
**Cc:** [Brian Hart](#)  
**Subject:** Re: Reason Foundation remarks  
**Date:** Thursday, November 19, 2020 5:33:32 PM

---

Thanks much! That was a lot of fun. Reminds me of 2017--what a blast that was. Great work, everyone!

---

**From:** Matthew Berry <Matthew.Berry@fcc.gov>  
**Sent:** Thursday, November 19, 2020 5:19 PM  
**To:** Lamar Robertson <Lamar.Robertson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>  
**Cc:** Brian Hart <Brian.Hart@fcc.gov>  
**Subject:** Re: Reason Foundation remarks

Great job, Ajit!

---

**From:** Matthew Berry <Matthew.Berry@fcc.gov>  
**Sent:** Thursday, November 19, 2020 5:11 PM  
**To:** Lamar Robertson <Lamar.Robertson@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>  
**Cc:** Brian Hart <Brian.Hart@fcc.gov>  
**Subject:** Re: Reason Foundation remarks

Ajit has finished his speech and is now doing Q and A.

---

**From:** Lamar Robertson <Lamar.Robertson@fcc.gov>  
**Sent:** Thursday, November 19, 2020 5:10 PM  
**To:** Nicholas Degani <Nicholas.Degani@fcc.gov>; Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>  
**Cc:** Brian Hart <Brian.Hart@fcc.gov>  
**Subject:** Re: Reason Foundation remarks

Let me know when this event is over, and I'll do a final proof and OMR will post.

---

**From:** Nicholas Degani <Nicholas.Degani@fcc.gov>  
**Sent:** Thursday, November 19, 2020 4:20 PM  
**To:** Ajit Pai <Ajit.Pai@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>; Evan Swarztrauber <Evan.Swarztrauber@fcc.gov>; Lamar Robertson <Lamar.Robertson@fcc.gov>; Montana L. Hyde <Montana.Hyde@fcc.gov>  
**Cc:** Brian Hart <Brian.Hart@fcc.gov>  
**Subject:** RE: Reason Foundation remarks

(b) (5)

---

**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Sent:** Thursday, November 19, 2020 4:06 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Reason Foundation remarks

(b) (5)

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Thursday, November 19, 2020 3:28 PM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Reason Foundation remarks

(b) (5)

---

**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Sent:** Thursday, November 19, 2020 3:11 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Reason Foundation remarks

(b) (5)

---

**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Sent:** Thursday, November 19, 2020 2:15 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Reason Foundation remarks



Taking a look.

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Thursday, November 19, 2020 12:04 PM  
**To:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Reason Foundation remarks

(b) (5)

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Thursday, November 19, 2020 11:32 AM  
**To:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Reason Foundation remarks

Jumping in . . .

---

**From:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>  
**Sent:** Thursday, November 19, 2020 11:16 AM  
**To:** Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Reason Foundation remarks

(b) (5)

**Evan Swarztrauber**  
Policy Advisor  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(202) 418-2261 (o)  
(202) 870-8405 (m)  
Twitter: @EvanS\_FCC

**From:** Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>  
**Sent:** Thursday, November 19, 2020 9:46 AM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Reason Foundation remarks

From the invite: "Your presentation would be 20-25 minutes and could include remarks on topics such as lessons learned from the repeal of Title II regulations and the importance of a light- touch regulatory framework."

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Thursday, November 19, 2020 9:44 AM  
**To:** Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Reason Foundation remarks

I think that the current length works then.

---

**From:** Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>  
**Sent:** Thursday, November 19, 2020 9:44 AM  
**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Reason Foundation remarks

The invitation asked AP to speak for 20 minutes.

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>  
**Sent:** Thursday, November 19, 2020 9:37 AM  
**To:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Reason Foundation remarks

What time is he delivering the speech?

How long are the remarks supposed to be? Based on word count, this draft should be around 20 minutes.

---

**From:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>  
**Sent:** Thursday, November 19, 2020 9:29 AM  
**To:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Reason Foundation remarks

Yep.

**Evan Swarztrauber**

Policy Advisor  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(202) 418-2261 (o)  
(202) 870-8405 (m)  
Twitter: @EvanS\_FCC

---

**From:** Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>  
**Sent:** Thursday, November 19, 2020 9:03 AM  
**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** RE: Reason Foundation remarks

(b) (5)

---

**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>  
**Sent:** Wednesday, November 18, 2020 11:26 PM  
**To:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>  
**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>  
**Subject:** Re: Reason Foundation remarks

(b) (5)

For context, here are the Reason articles referenced in the new section.

<https://reason.com/2018/01/19/barber-cops-bust-high-school-dropouts/>

<https://reason.com/2018/03/20/reason-readers-and-ajit-pai-helped-memph/>

<https://reason.com/2020/08/11/tennessee-supreme-court-snips-high-school-diploma-requirement-from-barber-licensing/>

---

**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Sent:** Wednesday, November 18, 2020 9:24 PM

**To:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Reason Foundation remarks

Going through this now.

---

**From:** Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>

**Sent:** Wednesday, November 18, 2020 4:44 PM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Reason Foundation remarks

Looks good! Some minor nits and edits attached.

**Evan Swarztrauber**

Policy Advisor

Office of Chairman Ajit Pai

Federal Communications Commission

(202) 418-2261 (o)

(202) 870-8405 (m)

Twitter: @EvanS\_FCC

---

**From:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>

**Sent:** Wednesday, November 18, 2020 2:21 PM

**To:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>;

Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Reason Foundation remarks

(b) (5)

[REDACTED]

---

**From:** Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>

**Sent:** Wednesday, November 18, 2020 2:10 PM

**To:** Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>; Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Re: Reason Foundation remarks

(b) (5)

[REDACTED]

---

**From:** Lamar Robertson <[Lamar.Robertson@fcc.gov](mailto:Lamar.Robertson@fcc.gov)>

**Sent:** Wednesday, November 18, 2020 2:04 PM

**To:** Ajit Pai <[Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)>; Matthew Berry <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; Nicholas Degani <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; Evan Swarztrauber <[Evan.Swarztrauber@fcc.gov](mailto:Evan.Swarztrauber@fcc.gov)>; Montana L. Hyde <[Montana.Hyde@fcc.gov](mailto:Montana.Hyde@fcc.gov)>

**Cc:** Brian Hart <[Brian.Hart@fcc.gov](mailto:Brian.Hart@fcc.gov)>

**Subject:** Reason Foundation remarks

Attached are draft remarks for tomorrow's Reason Foundation event.

**From:** [Matthew Berry](#)  
**To:** [Anne Veigle](#); [Ajit Pai](#); [Nicholas Degani](#)  
**Cc:** [Brian Hart](#); [Will Wiquist](#); [Katie Gorscak](#)  
**Subject:** Re: Section 230  
**Date:** Tuesday, November 24, 2020 11:48:03 AM

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(b) (5)

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**From:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Sent:** Tuesday, November 24, 2020 11:31 AM  
**To:** Ajit Pai <Ajit.Pai@fcc.gov>; Nicholas Degani <Nicholas.Degani@fcc.gov>; Matthew Berry <Matthew.Berry@fcc.gov>  
**Cc:** Brian Hart <Brian.Hart@fcc.gov>; Will Wiquist <Will.Wiquist@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>  
**Subject:** FW: Section 230

(b)  
(5)

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**From:** Herchenroeder, Karl <karlh@warren-news.com>  
**Sent:** Tuesday, November 24, 2020 11:19 AM  
**To:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Subject:** Section 230

Hi, Anne:

I'm working on a story about the Section 230 rulemaking.

Several experts told me they expect the agency not to take action on the item for the rest of Pai's tenure.

Does the agency have any comment?

Best Regards,  
Karl Herchenroeder  
Assistant Editor/tech reporter  
Communications Daily  
C: 202-704-4738

**From:** [Brian Hart](#)  
**To:** [Anne Veigle](#); [Will Wiquist](#); [Katie Gorscak](#)  
**Subject:** Re: Section 230  
**Date:** Tuesday, November 24, 2020 11:26:50 AM

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(b) (5)

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**From:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Sent:** Tuesday, November 24, 2020 11:23 AM  
**To:** Will Wiquist <Will.Wiquist@fcc.gov>; Brian Hart <Brian.Hart@fcc.gov>; Katie Gorscak <Katie.Gorscak@fcc.gov>  
**Subject:** FW: Section 230

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(b) (5)

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**From:** Herchenroeder, Karl <karlh@warren-news.com>  
**Sent:** Tuesday, November 24, 2020 11:19 AM  
**To:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Subject:** Section 230

Hi, Anne:

I'm working on a story about the Section 230 rulemaking.

Several experts told me they expect the agency not to take action on the item for the rest of Pai's tenure.

Does the agency have any comment?

Best Regards,  
Karl Herchenroeder  
Assistant Editor/tech reporter  
Communications Daily  
C: 202-704-4738

**From:** [Anne Veigle](#)  
**To:** [Herchenroeder, Karl](#)  
**Cc:** [Brian Hart](#); [Will Wiquist](#); [Katie Gorscak](#)  
**Subject:** RE: Section 230  
**Date:** Tuesday, November 24, 2020 1:02:15 PM

---

Hi Karl,  
We don't have a comment.

---

**From:** Herchenroeder, Karl <karlh@warren-news.com>  
**Sent:** Tuesday, November 24, 2020 11:19 AM  
**To:** Anne Veigle <Anne.Veigle@fcc.gov>  
**Subject:** Section 230

Hi, Anne:  
I'm working on a story about the Section 230 rulemaking.

Several experts told me they expect the agency not to take action on the item for the rest of Pai's tenure.

Does the agency have any comment?

Best Regards,  
Karl Herchenroeder  
Assistant Editor/tech reporter  
Communications Daily  
C: 202-704-4738



**From:** [Lamar Robertson](#)  
**To:** [Ajit Pai](#); [Matthew Berry](#); [Nicholas Degani](#); [Evan Swarztrauber](#); [Montana L. Hyde](#)  
**Cc:** [Brian Hart](#)  
**Subject:** Reason Foundation remarks  
**Date:** Wednesday, November 18, 2020 2:04:41 PM  
**Attachments:** [reason foundation.docx](#)

---

Attached are draft remarks for tomorrow's Reason Foundation event.

**From:** [Energy & Commerce Republicans](#)  
**To:** [Brian Hart](#)  
**Subject:** Republicans Push for U.S. to Lead in Critical and Emerging Technologies  
**Date:** Monday, November 2, 2020 10:49:55 AM



**FOR IMMEDIATE RELEASE**  
November 2, 2020

**CONTACT: Press Office**  
(202) 226-4972

## Republicans Push for U.S. to Lead in Critical and Emerging Technologies

President Trump recently [unveiled](#) his “National Strategy for Critical and Emerging Technologies” to outline how the United States will continue to lead in fields like artificial intelligence, quantum computing, autonomous systems, and more.

This strategy falls in line with many of the initiatives put forth by E&C Republicans this Congress to lead in emerging technologies, autonomous vehicles, communications networks, energy innovation, and more.

Here are the highlights:

- **Emerging Technologies**

- In May, Walden and Rodgers [announced](#) E&C Republicans' emerging tech agenda. Last month, the House passed the bipartisan [American COMPETE Act](#) unanimously. The bipartisan bill, led by Rodgers and Rep. Bobby Rush (D-IL), included many measures included in the emerging tech agenda. Read more about E&C Republicans' work to ensure American leadership in emerging technologies [here](#).

- **Autonomous vehicles**

- The [SELF DRIVE Act \(H.R. 8350\)](#), led by Communications and Technology Subcommittee Republican Leader Bob Latta (R-OH), would ensure America leads the world in the development and deployment of autonomous vehicles by creating a much-needed federal framework to promote innovation and provide certainty for manufacturers. Latta also introduced the SELF DRIVE Act in the 115<sup>th</sup> Congress. It passed out of the Energy and Commerce Committee [unanimously](#) on July 27, 2017 and out of the House [unanimously](#) on September 6, 2017.

- **Communications networks**

- E&C Republicans' broadband infrastructure [agenda](#), unveiled earlier this year, includes 26 bills to help deploy broadband infrastructure, streamline permitting processes, and alleviate other barriers hindering communities from being connected and accessing broadband services.
- The Secure and Trusted Communications Networks Act was signed into law this year so that our nation's communications networks can be more secure. This bipartisan E&C [effort](#) will help small, rural providers rip and replace Huawei and other suspect communications equipment.
- The [USA Telecommunications Act of 2020](#) is a bipartisan E&C-led bill to help promote and accelerate the deployment and use of open interfaced, standards-based, and interoperable 5G networks throughout the United States. This bill is led by Energy and Commerce Committee Congressman Brett Guthrie (R-KY), Committee Chairman Frank Pallone, Jr. (D-NJ), Rep. Walden, and Congresswoman Doris Matsui (D-CA).

- **Energy innovation**

- E&C Republicans energy infrastructure [agenda](#) announced in June includes several initiatives to strengthen U.S. energy security, promote clean energy, and cut red tape hindering innovation.
- Communications and Technology Subcommittee Republican Leader Bob Latta (R-OH) and Rep. Jeff Duncan also introduced two bills to strengthen domestic nuclear fuel supply and accelerate nuclear reactor licensing.

E&C Republicans will continue to put forth policies that promote U.S. leadership in these technologies that will define our future economy, national security, and way of life as we know it. Sign up to receive the latest updates from E&C Republicans, [here](#).

###

[PERMALINK](#)



House Energy & Commerce Committee Republicans | 2322 Rayburn HOB, Washington, DC 20003

[Unsubscribe brian.hart@fcc.gov](#)

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Sent by [energycommercegovnews@ecrep.housecommunications.gov](mailto:energycommercegovnews@ecrep.housecommunications.gov) powered by

**From:** [Evan Swarztrauber](#)  
**Subject:** STATEMENT: Chairman Pai Announces His Intent To Depart FCC  
**Date:** Monday, November 30, 2020 11:09:14 AM  
**Attachments:** [Outlook-mp3ttepz.png](#)

---

Good morning,

Today, Federal Communications Commission Chairman Ajit Pai announced that he intends to leave the Federal Communications Commission on January 20, 2021. See his [statement](#) below.

**Evan Swarztrauber**

Policy Advisor  
Office of Chairman Ajit Pai  
Federal Communications Commission  
(202) 418-2261 (o)  
(202) 870-8405 (m)  
Twitter: @EvanS\_FCC

---

**From:** FCC Office of Media Relations <FCCOfficeofMediaRelations@fcc.gov>  
**Sent:** Monday, November 30, 2020 10:39 AM  
**Subject:** FCC STATEMENT: Chairman Pai Announces His Intent To Depart FCC



**Media Contact:**

Brian Hart, (202) 418-0505  
[brian.hart@fcc.gov](mailto:brian.hart@fcc.gov)

**For Immediate Release**

**CHAIRMAN PAI ANNOUNCES HIS INTENT TO DEPART FCC**

WASHINGTON, November 30, 2020—Today, Federal Communications Commission Chairman Ajit Pai announced that he intends to leave the Federal Communications Commission on January 20, 2021. Chairman Pai issued the following statement:

“It has been the honor of a lifetime to serve at the Federal Communications Commission, including as Chairman of the FCC over the past four years. I am grateful to President Trump for giving me the opportunity to lead the agency in 2017, to President Obama for appointing me as a Commissioner in 2012, and to Senate Majority Leader McConnell and the Senate for twice confirming me. To be the first Asian-American to chair the FCC has been a particular privilege. As I often say: only in America.

“I also deeply appreciate the chance to have worked alongside the FCC’s talented staff. They are the agency’s best assets, and they have performed heroically, especially during the pandemic. It’s also been an honor to work with my fellow Commissioners to execute a strong and broad agenda. Together, we’ve delivered for the American people over the past four years: closing the digital divide; promoting innovation and competition, from 5G on the ground to broadband from space; protecting consumers; and advancing public safety. And this FCC has not shied away from making tough choices. As a result, our nation’s communications networks are now faster, stronger, and more widely deployed than ever before.

“I am proud of how productive this Commission has been, from commencing five spectrum auctions and two rural broadband reverse auctions in four years, to opening 1,245 megahertz of mid-band spectrum for unlicensed use, to adopting more than 25 orders through our Modernization of Media Regulation Initiative, to aggressively protecting our communications networks from national security threats at home and abroad, to designating 988 as the three-digit number for the National Suicide Prevention Lifeline, and much, much more. I’m also proud of the reforms we have instituted to make the agency more accountable to the American people. In particular, for the first time ever, we’ve made public drafts of the proposals and orders slated for a vote three weeks before the agency’s monthly meetings, making this the most transparent FCC in history.

“Last but not least, I want to thank my family for all they have done to enable me to serve at the agency. The public service of one generally results from the private sacrifice of many, and I’m grateful for their love and support.”

###

**Office of Chairman Pai: (202) 418-1000 / Twitter: @AjitPaiFCC / [www.fcc.gov/leadership/ajit-pai](http://www.fcc.gov/leadership/ajit-pai)**

*This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).*

**From:** [Evan Swarztrauber](#)  
**To:** [Ajit Pai](#); [Matthew Berry](#); [Nicholas Degani](#); [Sean Spivey](#); [Preston Wise](#); [Zenji Nakazawa](#); [Brian Hart](#); [Anne Veigle](#)  
**Subject:** Talking points for Nat Sec event w/ George Mason  
**Date:** Wednesday, November 18, 2020 9:06:01 PM  
**Attachments:** [Draft Chairman Pai Network Security TP for GM interview 11-18-2020.docx](#)

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(b) (5)

A large rectangular area of the document is completely redacted with black ink. The redaction covers approximately five lines of text, starting from the line containing the redaction code (b) (5) and extending down to the line immediately preceding the contact information for Evan Swarztrauber.

**Evan Swarztrauber**

Policy Advisor

Office of Chairman Ajit Pai

Federal Communications Commission

(202) 418-2261 (o)

(202) 870-8405 (m)

Twitter: @EvanS\_FCC

**George Mason Law School National Security Institute**  
**Preserving U.S. Leadership: Protecting America While Promoting Innovation**  
**November 19, 2020**

1. Why is it important for the U.S. to be first to 5G?
2. What steps have you taken to ensure the supply chain?
3. What challenges lie ahead on rip and replace?
4. How have you helped get the message out internationally?
5. How does ORAN fit into the overarching strategy?
6. What has FCC done to promote Open RAN?
7. What are your thoughts on the security of ORAN?
8. In a Tweet last year, you called out China's behavior to censoring a Tweet from the NBA in support of Hong Kong as well as its removal of emojis and efforts to stifle Apple. Why did you think that was important?
9. Why do you see these Chinese companies as threats to national security? What exactly is the threat?
10. Henry Kissinger recently remarked on the U.S.'s relationship with China, saying that, "unless there is some basis for some cooperative action, the world will slide into a catastrophe comparable to World War I. What are your thoughts on this statement?

➤ **Q: Why is it important for the U.S. to be first to 5G?**

These next-generation wireless networks will be embedded in almost every aspect of our society and economy—from businesses to homes, hospitals to transportation networks, manufacturing to the power grid. Leading in deployment of such technologies would enable our society and our economy to lead in innovation, strengthening the competition, and creating a stronger, healthier ecosystem to benefit us all.

- The FCC's first mission is to help ensure that every American can access advanced communications. Digital opportunity can open up new possibilities for everyone. And second, the FCC aims to promote innovation and investment across the communications sector. With each new breakthrough, we increase the value of being connected and unlock opportunities to improve the lives of our citizens.

**Q: What steps have you taken to ensure the supply chain?**

- For the United States, addressing the national security threats posed by certain foreign communications equipment providers is a whole-of-government effort. In March of this year, President Trump signed two supply chain-related bills. First the broad-ranging National Strategy to Secure 5G. This reflects the U.S. Government's multifaceted approach to 5G supply chain security, and it highlights the need for close collaboration with international partners and industry to advance 5G security and promote 5G vendor diversity. Second, the Secure and Trusted Communications Networks Act, which, among other things, prohibits the use of federal subsidies to support equipment and services in communications networks that pose a national security risk, similar to the FCC's own supply chain rule adopted in 2019. It also tasks the FCC with creating the Secure and Trusted Communications Networks Reimbursement Program to support the removal, replacement, and destruction of insecure equipment and services from communications networks.
- At the FCC, we are doing our own part to promote 5G security. As the telecommunications regulator for the United States, our focus has been on protecting the security and integrity of the communications supply chain, and we have taken several actions to do just that.
- We have prohibited the use of money from our Universal Service Fund, or USF, to purchase or obtain any equipment or services produced or provided by companies that the Commission determines pose a national security threat. And we specifically designated Huawei and ZTE as companies that pose a national security threat.



- Earlier this year, the Commission conducted an information collection to identify whether USF-funded communications providers own or have deployed in their networks equipment or services from entities posing a risk to national security or a threat to the integrity of communications networks or the communications supply chain. We also collected information on the estimated costs to remove and replace the insecure equipment.
- And, earlier today[[on Wednesday]], I circulated for a vote at our December open meeting, a Second Report and Order that would take additional steps to ensure a secure supply chain. The item, if adopted, would task the Commission with publishing on its website a list of insecure equipment and services provided by entities posing an unacceptable risk to the national security of the United States or the security and safety of United States persons to help inform carriers as they make future deployment decisions.
- Additionally, the item would require entities that accept universal service funding to remove, replace, and destroy insecure equipment and services identified on that list.
- Per the Secure Networks Act, the item would establish a voluntary reimbursement program to reimburse providers of advanced communications services that remove, replace, and destroy covered equipment with fewer than two million subscribers. The Reimbursement Program would allow reimbursement to a larger group of carriers beyond those receiving USF funding. We are still awaiting a Congressional appropriation to fund the reimbursement program. The FCC has done its part to be ready once Congress does appropriate the funding, which we hope will be soon.
- The item would also create a new information collection, as required in the Secure and Trusted Communications Networks Act, requiring all providers of advanced communications service would report whether their networks use covered communications equipment or services acquired after August 14, 2018
- In addition to these broader regulatory initiatives, we have focused specifically on participation in the U.S. market by Chinese mobile companies. This past May, we denied China Mobile's application to enter the U.S. market. This decision came after a lengthy review of the application by Executive Branch agencies and consultation with the U.S. intelligence community. We concluded that China Mobile's application posed substantial national security and law enforcement concerns that could not be adequately mitigated.

- Following our decision to deny China Mobile’s application, we issued orders to four other Chinese state-owned companies—China Telecom, China Unicom, Pacific Networks, and ComNet—that already hold such FCC authorizations. The orders – called “Show Cause Orders” - require these companies to demonstrate why the FCC should not revoke and terminate their authorizations to operate in the United States based on similar national security concerns.

**Q: What challenges lie ahead on rip and replace?**

- The biggest challenge is the lack of a Congressional appropriation to fund rip and replace. The Commission has moved ahead to establish the Reimbursement Program well before our statutory deadline, but we cannot move and further to remove and replace insecure equipment without funding. I have asked Congress for \$2 billion dollars to fund the removal, replacement, and destruction of equipment posing a threat to our communications networks and continue to work with Congress on that point.
- Another challenge that providers of advanced communications services will face is a tight timeframe to complete the removal, replacement, and destruction of insecure equipment. Per the Secure Networks Act, carriers will only have one year after they begin the drawdown of their reimbursement funds to complete the removal. So, it is very important that carriers begin to plan now. The item I circulated today would allow reimbursement for costs reasonably incurred for the timely removal, replacement, and disposal of covered equipment and services obtained prior to the creation of the Reimbursement Program, or prior to an appropriation, as long as the covered equipment and services were obtained before the statutory cutoff of August 14, 2018. So I hope that carriers will be proactive.

**Q: How have you helped get the message out internationally?**

- As we have pursued our own actions to address security threats, the United States has been working closely with our international partners.
- The more that we can work together and make security decisions based on shared principles, the safer that our 5G networks will be. When I meet with my foreign counterparts, I stress the importance of 5G security. And I have done that personally and extensively over the past two years. Both as part of a cross-Administration team and solely on behalf of the FCC, I’ve visited and have

spoken with senior leadership in Bahrain, Germany, Portugal, Saudi Arabia, Israel, the United Arab Emirates, Vietnam, Malaysia, Japan, and Singapore, and have met with decision-makers from many other countries, such as Brazil, India, Chile and Australia.

- I was honored to be part of the U.S. delegation at the inaugural 5G security forum in Prague in May 2019, where more than 140 representatives from 32 countries came together to build a consensus approach for protecting next-generation networks. We developed a set of recommendations called the “Prague Proposals.” This security framework is based on the principles of competition, transparency, and the rule of law. We followed that inaugural conference with a virtual event to discuss progress in September of this year.
- These efforts have paid dividends, as many countries have taken steps to secure 5G networks:

In July (2020), the United Kingdom announced that it will remove Huawei equipment from its 5G networks.

The United Kingdom decision comes as a number of countries across Europe—including the Czech Republic, Poland, Romania, Denmark, Estonia, Latvia, Sweden, and Greece—have taken steps prohibiting these high-risk vendors from their networks.

And we observe how telecommunications operators are also taking actions to make their networks secure. Telefonica in Spain, Orange in France, Jio in India, Telstra in Australia, SK and KT in South Korea, NTT in Japan, and the telecom operators in Canada and Singapore, as well as many others, have made the decision to only use trusted vendors in their 5G deployments.

**Q: How does ORAN fit into the overarching strategy?**

- The regulatory steps we have taken are critical to protect the integrity of our 5G networks. But they are not the only forces at play. Companies building 5G networks have an economic incentive to address security concerns and to find alternatives to untrusted vendors.
- Unfortunately, much of the equipment at the heart of 5G networks currently comes from just a few global suppliers, with Huawei being the largest. This lack of vendor diversity can make it challenging for some carriers to find cost-effective

alternatives. ORAN technology provides a new path to address these concerns. By enabling a diversity of suppliers, Open Radio Access Networks, or Open RANs, could transform 5G network architecture, costs, and security.

- We are also intrigued by the efforts of the open software community to produce products for O-RAN that can also undergo the same level of scrutiny as the community of developers at large.
- Current discussions on the deployment of O-RAN center on the use of virtualization, which helps isolate vendor products by placing them in their own “sandbox”.
- Traditionally, wireless networks rely on a closed architecture in which a single vendor supplies many or all the components between network base stations and the core. But Open RANs can fundamentally disrupt this marketplace. We could see an exponential growth in the number and diversity of suppliers. We could see more cost-effective solutions. And critically, we could see the keys to security in the hands of network operators, as opposed to a Chinese vendor. All this may explain why some telecom companies are beginning to develop and deploy open, interoperable, standards-based, and virtualized radio access networks.
- As an added bonus, many of the leading firms in the Open RAN space are based in the United States or in countries generally aligned with our vision of 5G security. For example, DISH recently selected U.S.-based AltioStar to deliver a cloud-based, ORAN-compliant solution for its nationwide 5G network buildout. And just a few months ago, U.S.-based Mavenir helped Vodafone become the first mobile operator in the UK to turn on an ORAN 4G site.

**Q: What has FCC done to promote Open RAN?**

- A few months ago (In September), the FCC held a forum on 5G open, interoperable, standards-based, and virtualized radio access networks. It featured top experts from the United States and around the world to encourage research and development of these systems, which can enable a diversity in suppliers, improve network security, and lower costs.
- How this marketplace will evolve is hard to predict with certainty. But here’s what I can say with confidence: innovation and competition make for a stronger, healthier telecom ecosystem. That’s why so many are excited about Open RAN’s potential.

- And that's why we held the forum. We want to encourage research and development into innovative network solutions. One way to do that is by convening the top experts in the field to discuss the benefits of Open RAN, the challenges of implementing it, and the lessons learned from deployments thus far.
- A consensus emerged from the forum that Open RAN technologies are already showing great promise in the U.S. and around the world, and that the public and private sectors should continue to collaborate to help encourage their deployment.
- Last, the supply chain item I circulated today [[Wednesday]] for a vote at the December meeting would encourage Open RAN Deployment by specifically finding that the reimbursement program replacement list should include equipment and services equipped, or upgradable to, be used in Open RAN, or in virtualized networks. This will help carriers that want to deploy Open RAN do so with confidence that their equipment choice will be reimbursable.

**Q: What are your thoughts on the security of ORAN?**

- ORAN offers significant advantages over traditional closed-architecture systems. For example, ORAN moves security into the hands of network operators, giving them more control over their networks' security designs and implementation. Open architectures have the advantage of being examined by a large and diverse community that can provide feedback in large numbers and from diverse backgrounds (research, vendors, customers), which helps reveal any potential problems in O-RAN's security. In addition, the greater number and diversity of suppliers ORAN allows may allow networks to adapt more quickly to evolving security threats. That said, this is an area that is still developing. We have plenty of work left to do.
- Both the Senate and the House introduced legislation this year that could help providers address security concerns by subsidizing the deployment and use of ORAN networks. On November 17, the House voted to approve a bill that would provide \$750 of federal funding to ORAN development.
- The O-RAN ALLIANCE's Security Task Group also is actively working to identify and recommend security solutions. The group includes both network operators and vendors and uses threat modeling and risk analysis to develop requirements and best practices.

**Q: In a Tweet last year, you called out China's behavior to censoring a Tweet from the NBA in support of Hong Kong as well as its removal of emojis and efforts to stifle Apple. Why did you think that was important?**

- These cases reflect a disturbing and growing pattern of behavior by the Chinese government. They also raise a broader concern about the security of the United States. If China is willing to use its leverage over basketball, e-sports, and emojis, imagine what could happen if we let Chinese companies' equipment into tomorrow's 5G wireless networks? This would open the door to surveillance, espionage, and other harms—stakes much higher than sports and entertainment.

**Q: Why do you see these Chinese companies as threats to national security? What exactly is the threat?**

- For years, U.S. government officials have expressed concern about the national security threats posed by certain foreign communications equipment providers. Hidden “backdoors” to our networks in routers, switches, and other network equipment can allow hostile foreign powers to inject viruses and other malware, steal Americans' private data, spy on U.S. companies, and more.
- The equipment at the heart of 5G networks currently comes from just a few global suppliers. And the largest right now is the Chinese company Huawei. This is a major concern.
- Huawei positions itself as a private company. But it has significant ties to the Chinese government, namely, the Communist Party, and China's military. Moreover, Chinese law requires all companies subject to its jurisdiction to comply with requests from the country's intelligence services. These requests cannot be disclosed to any third parties, such as Huawei's customers in China or abroad. That means China could compel Huawei to spy on foreign individuals and businesses and prevent Huawei from disclosing such surveillance requests.
- There is no shortage of red flags about Huawei and evidence that the Chinese government is willing and able to use its growing influence over global commerce to advance its own interests.
- Last year, Chinese officials pressured the National Basketball Association to stamp out criticism from anyone within the NBA of the country's policies in Hong Kong. Gaming company Blizzard Entertainment, which is partially owned by Chinese tech giant Tencent, suspended a professional gamer for speaking out in support of Hong Kong protestors. And Apple, which has extensive business operations in China, removed the Taiwanese flag emoji for iPhone users in Hong Kong and Macau.
- The Justice Department charged Huawei officials with fraud and theft of trade secrets from T-Mobile in 2019. The indictment stated that Huawei offered bonuses to employees who succeeded in stealing confidential information from

other companies. In announcing the charges, FBI Director Christopher Wray described Huawei's transgressions as "brazen and persistent."

- Independent technical experts have similarly raised concerns. A report issued by the cybersecurity firm Finite State in 2019 found that a majority of the Huawei firmware images they analyzed had at least one potential backdoor.
- The United Kingdom's Huawei Cyber Security Evaluation Centre Oversight Board issued a damning assessment of the company in a 2019 report. It found that a lack of "basic engineering competence and cyber security hygiene" makes Huawei equipment vulnerable to just about anyone, "bringing significantly increased risk to UK operators."
- On top of all that, the Chinese government subsidizes Huawei, enabling it to undercut its competitors on price when bidding on contracts, even if the quality is lacking. Whether this violates World Trade Organization rules and other laws I'll leave to the trade lawyers, but this practice demonstrates the Chinese government's strategic determination: choose Huawei as a national champion, make it a key component in its Belt and Road Initiative, and crush foreign competitors by any means necessary.

**Q: Henry Kissinger recently remarked on the U.S.'s relationship with China, saying that, "unless there is some basis for some cooperative action, the world will slide into a catastrophe comparable to World War I. What are your thoughts on this statement?**

- The FCC aims to ensure we have a secure and resilient deployment of 5G. When 5G is embedded in almost every aspect of our society and economy securing our networks will become much more important and much more difficult and we cannot afford to make risky choices and just hope for the best.
- Working with other expert government agencies, we must identify the threats to the security of our networks and act to address them. For years, U.S. government officials have expressed concern about the national security threats posed by certain foreign communications equipment providers. Given these concerns, the United States and other like-minded countries have placed an increased emphasis on ensuring the security and integrity of 5G technology.
- This is not about the U.S.'s relationship with China, it is about making our critical network infrastructure secure and resilient and safeguarding consumer confidence, our national security, economic security, and other national and global interests. As 5G connectivity becomes a reality, there is the potential for

an increase in untrusted vendors, equipment, and devices. Whether vulnerabilities are malicious or inadvertent, there will remain a need to maintain strong relationships with international partners to communicate risks and safeguard the flow of information. Our goal is to ensure that malicious or inadvertent vulnerabilities within the 5G supply chain are successfully prevented or mitigated.