

EXHIBIT

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UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

October 5, 2020

Mr. Kevin Schmidt
Americans for Prosperity Foundation
1310 North Courthouse Road, 7th Floor
Arlington, VA 22201

RE: NTIA FOIA 20-071 (FOIA Online: DOC-NTIA-2020-001968)

Dear Mr. Schmidt:

On September 17, 2020, the National Telecommunications and Information Administration (NTIA), Office of the Chief Counsel, received your request pursuant to the Freedom of Information Act (FOIA), as amended (5 U.S.C. § 552). On that same date, NTIA acknowledged receipt and sought clarification of your request. On September 22, 2020, NTIA agreed to proceed with your modified request as follows:

- AFPF requests all communications sent to or from either National Telecommunications and Information Administration (“NTIA”) Senior Advisor Nathan Simington or Acting Assistant Secretary of Commerce for Communications and Information Adam Candeub that contain the following key phrases:
 - Section 230 and any of the following terms:
 - AT&T
 - Federal Communications Commission or FCC
 - Rick Lane
 - Brendan Carr
 - Mike Davis
 - DCI
 - Media Research Center or MRC
 - Brent Bozell
 - Rachael Bovard
 - Dan Gainor
 - Emily Covington

The time period for this request is May 1, 2020, to [present] Sept. 17, 2020.

As a part of this request, you sought a fee waiver. The statutory fee waiver standard contains two basic requirements: the public interest and the requester’s commercial interests in the disclosure, if any, must be less than the public interest in disclosure. 5 U.S.C. §552(a)(4)(A)(iii). Agencies may generally presume that a news media requester has satisfied

the “public interest” standard and that the public interest will be served by granting the fee waiver. 15 C.F.R. §4.11(1)(3)(ii). Based on the information you provided, NTIA categorized you as a “representative of the news media” and finds that you have met the public interest requirements. 15 C.F.R. § 4.11(b)(6). As a result, NTIA grants your fee waiver request.

NTIA has also determined that unusual circumstances exist that permit NTIA to extend the processing time to 30 days, due to the requirement to consult with other agencies regarding the release of the records and the probable quantity of records to review. NTIA further agrees to provide responsive records on a rolling basis, if necessary, as those are records are ready for release. If you have any questions regarding your FOIA request, please contact Stacy Cheney, Senior Attorney Advisor, at scheney@ntia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy D. Smith".

Kathy D. Smith
Chief Counsel