

# EXHIBIT

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

November 18, 2020

Mr. Kevin Schmidt  
Director of Investigations  
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). As modified, you requested:

- 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.

On October 26, 2020, NTIA provided a first interim response to your request. Enclosed is the second interim response to your request. This response includes 153 records in thirty-nine (39) electronic files. Of these, fifty-nine (59) records are being withheld, in part or in their entirety, under Exemption 5 of the FOIA, which protects “inter-agency or intra-agency memorandums or letters that would not be available by law to any party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). Twenty-five (25) records are being withheld in part under Exemption 6 of the FOIA, which protects certain information, the unveiling of which

“would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). In addition, NTIA will refer fourteen (14) records to the Department of Justice for a direct response to you. Three (3) records will be referred to the Department of Commerce for a direct responsive to you. The remaining sixty-four (64) records are being released in their entirety without redaction.

To date with this interim response, NTIA has provided 281 records in 74 electronic files. NTIA is not providing appeal rights at this time. Department of Commerce FOIA regulations state that “appeals rights need not be provided with the interim response.” 15 C.F.R. § 4.7(b). NTIA will provide appeals rights when it provides a final response to your request. NTIA will continue to provide records on a rolling basis as those records are ready for release. If you have any questions regarding the processing of your request, please contact Stacy Cheney, Senior Attorney Advisor, via email at [scheney@ntia.gov](mailto:scheney@ntia.gov).

Sincerely,



Kathy D. Smith  
Chief Counsel