



Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Washington, D.C. 20554

March 15, 2022

**VIA ELECTRONIC MAIL**

Gracie Gordon  
MuckRock News  
Dept MR 124827  
411A Highland Ave  
Somerville, MA 02144-2516

124827-04397164@requests.muckrock.com

Re: FOIA No. 2022-000282

Dear Ms. Gordon:

This letter responds to your recent Freedom of Information Act (FOIA) request received by the Federal Communications Commission (FCC or Commission) and assigned to the Consumer & Governmental Affairs (CGB) and Enforcement (EB) Bureaus. Your request seeks complaints from the October 14<sup>th</sup> MLB Playoff Game, between the Giants and Dodgers on ESPN. Your request has been assigned FOIA Control No. 2022-000282. We are responding to your request electronically.

Regarding the above request, CGB conducted a search of the databases in which we maintain the records of informal complaints filed by, or on behalf of, consumers. CGB identified two complaints responsive to your request. EB informed CGB that a search of its records identified no additional responsive records. Some material on the pages produced has been redacted due to the reasons discussed below.

Records responsive to your request were redacted under FOIA Exemption 6.<sup>1</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.<sup>2</sup> Therefore, certain personal identifying information,

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<sup>1</sup> 5 U.S.C. § 552(b)(6).

<sup>2</sup> 5 U.S.C. § 552 (b)(6); *see also* 47 CFR § 0.457(f).

including the complainant's name and telephone number, has been redacted under Exemption 6.

The FCC receives many complaints and comments that do not involve violations of the Communications Act or any FCC rule or order. Thus, a complaint or comment does not necessarily indicate any wrongdoing by any individuals or entities named in the complaint or comment.

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>3</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>4</sup>

You have been categorized as an "all other requester" for purposes of assessing FOIA fees.<sup>5</sup> As such, you are responsible for the 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. 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>6</sup>

You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 45 L St 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" and the application should refer to FOIA No. 2022-000282.

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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<sup>3</sup> See 5 U.S.C. § 552(a)(4)(A); 47 CFR § 0.470.

<sup>4</sup> 47 CFR § 0.470.

<sup>5</sup> See 47 CFR § 0.470(a)(2).

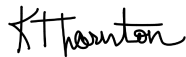
<sup>6</sup> 47 CFR §§ 0.461(j), 1.115; 47 CFR § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

FOIA Public Liaison  
Federal Communications Commission, Office of the Managing Director,  
Performance Evaluation and Records Management  
45 L St. 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) and the Federal FOIA Ombudsman's Office offer mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001  
202-741-5770  
877-684-6448  
[ogis@nara.gov](mailto:ogis@nara.gov)  
<https://www.archives.gov/ogis>

Sincerely,



Kristi Thornton  
Acting Chief  
Consumer Policy Division  
Consumer & Governmental Affairs Bureau

Attachments

cc: FOIA Office, EB