

EXHIBIT B



REPLY TO
ATTENTION OF

DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
9301 NW 33RD STREET
DORAL, FL 33172

November 23, 2016

Office of the Staff Judge Advocate,
Office of Freedom of Information Act

Ref: SC 17-016-S

Ms. Carol Rosenberg
The Miami Herald
3511 NW 91st Avenue
Doral, FL 33172

Dear Ms. Rosenberg:

This is an interim-response to your electronic Freedom of Information Act (FOIA) request dated January 11, 2016, which we received on the same day (3:34 PM local time). As indicated in your request, you seek "records of all emails by the former United States Southern Command commander retired Marine General John F. Kelly to Lisa Monaco or those that also copied her on his correspondence." You also requested a fee waiver and expedited processing.

Concerning fees for processing your request, as a member of the news media you are only responsible for duplication cost beyond the first 100 pages. Decisions to waive or reduce fees are made on a case-by-case basis. I will consider a fee waiver concerning duplication cost after we have determined if responsive records exist and the volume of those records.

Also, your request does not meet the criteria for expedited processing. To qualify, you must demonstrate a compelling need, which means one of the following:

- 1) failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or
- 2) a member of the news media has an urgent need for information that has a particular value that will be lost if not disseminated quickly to inform the public concerning actual or alleged federal government activity.

Here, a compelling need is not demonstrated.

Finally, at this time we are unable to provide you with an estimated completion date. However, this will change after the search is done and the records, if any, are reviewed.

If you are not satisfied with our decision, you have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance, Office of the Secretary of Defense, by writing directly to ODCMO Directorate for Oversight and Compliance, 4800 Mark Center Drive, Attn: DPCLTD, FOIA Appeals, Mailbox #24, Alexandria, VA 22350-1700. Your appeal must be postmarked within 90 calendar days of the date of this response. Alternatively,


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you may also submit your appeal electronically, within 90 calendar days of the date of this response, at the following link: <http://pal.whs.mil/palMain.aspx>, or email your appeal to OSD.FOIAPolicy@mail.mil. If you use email, please have the words "FOIA Appeal" in the subject of the email. Your appeal should cite case number SC 17-016-S, and be clearly marked "Freedom of Information Act Appeal." A copy of this letter should be enclosed with your appeal.

Your request has been assigned case number SC 17-016-S. We are processing it and will be responding to you in the near future.

Direct any future inquiries to the undersigned at (305) 437-1108. Please refer to the above listed case control number for future inquiries.

Sincerely,


Marco T. Villalobos
Command FOIA Manager