



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

CGB

October 9, 2014

Donald Triplett
MuckRock News
Dept MR 13360
PO Box 55819
Boston, MA 02205-5819

FOIA No. 2014-649

Dear Mr. Triplett:

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 by the Commission's FOIA Office on September 11, 2014. Your request seeks copies of all complaints received by the FCC regarding Comcast or Time Warner Cable, specifically related to deceptive or unlawful advertising (Form 2000A), or billing, privacy, and service (Form 2000B), filed within the last five years.

Arthur Scrutchins of my staff contacted you to clarify the scope of your request. Mr. Scrutchins indicated that the Commission had received over 16,000 complaints related to your request. You narrowed your request and agreed to accept approximately 200 complaints as follows:

1. Last 50 2000A complaints filed against Comcast.
2. Last 50 2000B complaints filed against Comcast.
3. Last 50 2000A complaints filed against Time Warner Cable.
4. Last 50 2000B complaints filed against Time Warner Cable.

CGB conducted a search of the databases containing informal complaints. According to the Commission's Records Control Schedule for Informal Complaints ("Records Control Schedule"), the Commission is not required to maintain informal complaints and related correspondence for more than three years after the case is closed. *See NI-173-07-1, FCC Disposition Authority*. Therefore, all complaint records prior to January 1, 2011, have been purged pursuant to the Records Control Schedule. CGB staff identified approximately 200 responsive documents. Copies of the complaints are enclosed. EB found no additional documents. Copies of the complaints are enclosed. EB found no additional documents.

All personal identifying information relating to the individuals who submitted or are named in the enclosed complaint has been redacted based on Exemption 6 of FOIA,


which permits agencies not to disclose files that would clearly invade personal privacy.¹ Some FCC employee names have also been redacted based on Exemption 2 of FOIA, which permits agencies not to disclose internal personnel rules and practices.²

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.

FOIA and FCC rules require the FCC to charge requesters for time spent searching for and reviewing responsive documents, and for copying them.³ Based on your classification as a representative of the news media, you are responsible only for the payment of duplication costs beyond the first 100 pages. We are providing you with approximately 200 pages of records, resulting in copying charges of \$10.00 (200 pages less 100 pages @ \$0.10 per page). Because the duplication charges would likely be less than the routine cost of collecting the fee, we have decided not to assess any fee.⁴

If you think this response denies your FOIA request, you may file an application for review of this decision with the FCC's Office of the General Counsel within 30 days.⁵ Both the application and envelope containing it must be marked "Review of Freedom of Information Action" and the application should refer to FOIA Control No. 2014-649.

Sincerely,


for Nancy Stevenson
Deputy Chief
Consumer Policy Division
Consumer & Governmental Affairs Bureau

Enclosures

¹ 5 U.S.C. § 552 (b)(6); *see also* 47 C.F.R. § 0.457(f).

² 5 U.S.C. § 552(b)(2); *see also* 47 C.F.R. § 0.457(b).

³ 5 U.S.C. § 552(a)(4)(A)(i); 47 C.F.R. § 0.470.

⁴ 47 C.F.R. § 0.465(b)(2).

⁵ 47 C.F.R. § 0.461(j).