



governmentattic.org

"Rummaging in the government's attic"

Description of document: List of Federal Communications Commission (FCC) Office of Inspector General (OIG) Closed Cases, 2021-2022

Requested date: 20-December-2022

Release date: 23-January-2023

Posted date: 24-June-2024

Source of document: Freedom of Information Act Request
Federal Communications Commission
Office of the Inspector General
45 L Street NE
Washington, D.C. 20554
[ArkCase FOIA](#)

The governmentattic.org web site ("the site") is a First Amendment free speech web site and is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.



Federal Communications Commission
Washington, D.C. 20554

January 23, 2023

VIA ELECTRONIC MAIL

Re: FOIA Control No. 2023-000198

This letter responds to your Freedom of Information Act (FOIA) request for “a copy of the listing of FCC Office of Inspector General investigations (not audits) closed during calendar years 2021 and 2022, to include fields such as the case number, the date the investigation was closed, the title or subject of the investigation, the category or type of investigation, etc.” from the FCC Office of Inspector General (OIG). Your request has been assigned FOIA Control No. 2023-000198.

FCC OIG searched for responsive records. We located one, one-page record responsive to your request and it is enclosed. Some material on the page produced has been redacted for the reasons discussed below.

The Record responsive to your request was redacted under FOIA Exemption 6.¹ 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. The redacted information includes the name and personally identifying information of an individuals who were the subject of an investigation. We have determined it is reasonably foreseeable disclosure would harm the privacy interest of the person mentioned in these records, which Exemption 6 is intended to protect.

The Record responsive to your request was redacted under Exemption 7(C), which protects “records or information compiled for law enforcement purposes [the production of which] could reasonably be expected to constitute an unwarranted invasion of personal privacy.”² Balancing the public’s right to disclosure against the individual’s right to privacy, we have determined that release of this information would constitute an unwarranted invasion of personal privacy. The redacted information includes the names and personally identifying information of individuals who were subject to investigation. These names were compiled during the course of an investigation and in instances such as this, the balance favors not releasing these names. We have determined it is reasonably foreseeable disclosure would harm the FCC OIG or the Federal government’s law enforcement activities, which Exemption 7 is intended to protect.

¹ 5 U.S.C. § 552(b)(6).

² 5 U.S.C. § 552(b)(7)(C).

The FOIA requires that “any reasonably segregable portion of a record” must be released after appropriate application of the Act’s exemptions.³ The statutory standard requires the release of any portion of a record that is nonexempt and that is “reasonably segregable” from the exempt portion. However, when nonexempt information is “inextricably intertwined” with exempt information, reasonable segregation is not possible.⁴ The redactions and/or withholdings made are consistent with our responsibility to determine if any segregable portions can be released. To the extent non-exempt material is not released, it is inextricably intertwined with exempt material.

We also reviewed the withheld or redacted record(s) to determine if discretionary release is appropriate.⁵ The materials protected from disclosure under Exemption 6 are not appropriate for discretionary release in light of the personal privacy interests involved. The materials protected from disclosure under Exemption 7 are not appropriate for discretionary release in light of the law enforcement sensitivities involved.

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.⁶ 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.⁷

Pursuant to section 0.466(a)(8) of the Commission’s rules, you have been classified for fee purposes under category (3) as an “all other requester.”⁸ As an “all other requester,” the Commission assesses charges to recover the full, 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 under section 0.470(a)(3)(i) of the Commission’s rules.⁹ The production in response to your request required fewer than two hours of search time, and was provided in electronic form. Therefore, you will not be charged any fees.

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.¹⁰ You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 45 L Street NE, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to 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.”

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:

³ 5 U.S.C. § 552(b) (sentence immediately following exemptions).

⁴ *Mead Data Cent. Inc. v. Dep’t of the Air Force*, 566 F.2d 242, 260 (D.C. Cir. 1977).

⁵ See President’s Memorandum for the Heads of Executive Departments and Agencies, Freedom of Information Act, 74 Fed. Reg. 4683 (2009).

⁶ See 5 U.S.C. § 552(a)(4)(A), 47 C.F.R. § 0.470.

⁷ 47 C.F.R. § 0.470.

⁸ 47 CFR § 0.466(a)(8).

⁹ 47 CFR § 0.470(a)(3)(i).

¹⁰ 47 C.F.R. §§ 0.461(j), 1.115; 47 C.F.R. § 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 Street NE, Washington, DC 20554
202-418-0440
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), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

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
<https://www.archives.gov/ogis>

Sincerely,

WSH
Sharon R. Diskin

Sharon R. Diskin
Assistant Inspector General-Investigations

Enclosure
cc: FCC FOIA Office

Federal Communications Commission Office of Inspector General
 FOIA Report for All Cases in All States
 between 01/01/2021 and 01/18/2023

CASE NUMBER	CASE TITLE	PROGRAM	STATE	CLOSING DATE
OIG-E-14-0002	CONCEPT SCHOOLS	E-Rate	District of Columbia	09/30/2021
OIG-E-15-0014	US EX REL GRASSINGER V. COMTEC SYSTEMS, INC., ET AL.	E-Rate	New Jersey	09/09/2021
OIG-LI-16-0018	AMERICAN BROADBAND AND TELECOMMUNICATIONS COMPANY	Low Income	District of Columbia	12/12/2022
OIG-E-18-0016	ALABAMA SUPERCOMPUTER AUTHORITY	E-Rate	Alabama	03/30/2021
OIG-E-18-0018	AUTOEXEC COMPUTER SYSTEMS, INC.	E-Rate	New York	09/30/2021
OIG-E-18-0021	METCOMM	E-Rate	New York	03/30/2021
OIG-E-19-0001	NORTHERN STAR DATA	E-Rate	Minnesota	03/30/2021
OIG-E-19-0006	RED ROCK TELECOMM	E-Rate	Arizona	03/30/2021
OIG-E-19-0007	ECOT	E-Rate	Ohio	03/23/2022
OIG-X-20-0003	ATL COMMUNICATIONS, INC.	External	Oregon	09/30/2021
OIG-E-20-0004	H-WIRE TECHNOLOGY SOLUTIONS	E-Rate	Utah	07/26/2022
OIG-E-20-0009	BRADLEY ACADEMY	E-Rate	Arizona	06/22/2021
OIG-E-20-0011	COMPASS HIGH SCHOOL	E-Rate	Arizona	03/31/2021
OIG-C-20-0012	IDT TELECOM, INC.	Contributions	New Jersey	09/30/2021
OIG-RH-20-0013	MCH HEALTHCARE	Rural Healthcare	Arizona	03/25/2022
OIG-RH-20-0014-A	WINDSTREAM COMMUNICATIONS LLC	Rural Healthcare	Oklahoma	03/23/2021
OIG-RH-21-0001-A	PEOPLES COMMUNICATION, INC.	Rural Healthcare	Texas	03/23/2021
OIG-E-21-0002	ESSENTIAL NETWORK TECHNOLOGIES	E-Rate	Missouri	03/31/2022
OIG-E-21-0004	TECH CHECK	E-Rate	Minnesota	06/22/2021
OIG-E-21-0005	(b) (6), (b) (7)(C)	E-Rate	Illinois	06/22/2021
OIG-E-21-0007	ATHENS RENAISSANCE	E-Rate	Alabama	09/30/2021
OIG-LI-21-0008	(b) (6), (b) (7)(C) COMPLAINT	Low Income	California	10/13/2021
OIG-E-21-0009	KINGSTON AND VANGUARD ACADEMY	E-Rate	Utah	09/30/2021
OIG-HC-22-0001	ATT MISSISSIPPI	High Cost	Mississippi	03/31/2022