

one of those complaints, which would have been unreasonably burdensome.⁶ Rather than simply denying the FOIA request, however, the staff has worked diligently with NHMC to provide it with responsive information in a reasonable time frame, while still protecting the personally identifiable information of thousands of consumers. On June 20, 2017, Commission FOIA staff provided NHMC with approximately 1,000 responsive complaints.⁷ Consistent with an oral offer on July 5, 2017, staff made a written offer on July 14, 2017 to provide NHMC by September 1, 2017 an additional 2,000 complaints, the accompanying carrier responses, 1500 related emails, and an Excel spreadsheet of all 47,000 complaint numbers and additional requested data fields.

5. NHMC is free to address the relevance of any additional documents to this proceeding in its reply comments or in ex parte filings, as the docket in this proceeding does not close when the comment cycle has ended.⁸ Rather, it remains open beyond that date for all interested parties to express their views. Commission FOIA staff will continue to work with NHMC to reasonably fulfill its FOIA request. If the Commission made a practice of delaying comment cycles in response to FOIA requests that require extensive redactions, it would provide parties that oppose particular proceedings an avenue to grind those proceedings to a halt. The Commission will continue to strive to enable NHMC to review and comment upon the information that it has requested.

6. In light of all these considerations and NHMC's continued ability to comment in the record, we conclude that NHMC has failed to show sufficient cause to warrant an extension.

7. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 5, and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 155, and 303(r), and sections 0.91, 0.291, 1.46, and 1.415 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.46, and 1.415, that the Motion for Extension of Time filed by the National Hispanic Media Coalition on July 7, 2017, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Daniel Kahn
Chief
Competition Policy Division
Wireline Competition Bureau

⁶ *People for American Way Foundation v. Dep't of Justice*, 451 F. Supp. 2d 6 (D.D.C. 2006) (agreeing with agency that responding to a FOIA request requiring page-by-page review of 44,000 case files was unreasonably burdensome); *Wolf v. CIA*, 569 F. Supp. 2d 1, 9 (D.D.C. 2008) (finding that requiring agency to spend thousands of hours reviewing records was unreasonably burdensome). Commission staff made clear in its initial communications with NHMC that it could not process the request "as currently framed," see E-mail from Mike Hennigan, Consumer Information Analyst, Consumer and Governmental Affairs Bureau, FCC, to Carmen Scurato, Director, Policy and Legal Affairs, National Hispanic Media Coalition (May 22, 2017, 11:19 EDT), and explained in a follow up phone call with NHMC that Commission staff would have to review each consumer complaint and redact any personally identifiable information before the complaints could be released in response to a FOIA request.

⁷ See Letter to Carmen Scurato, Director, Policy and Legal Affairs, National Hispanic Media Coalition from Nancy Stevenson, Deputy Chief, Consumer Policy Division, Consumer and Governmental Affairs Bureau, FCC (June 20, 2017).

⁸ See 47 CFR § 1.1206.