

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**

**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

April 23, 2015

391

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Wheeler:

On March 4, 2015, the Subcommittee on Communications and Technology convened a hearing entitled "Reauthorization of the Federal Communications Commission: The FCC's FY 2016 Budget Request" and received testimony from the Federal Communications Commission's (FCC) Managing Director, Mr. Jon Wilkins, concerning the commission's fiscal year 2016 budget request. In his written testimony Mr. Wilkins noted that the FCC was "currently examining additional workforce restructuring at all FCC facilities." In response to questions from Congressman Pompeo, Mr. Wilkins confirmed that the FCC had brought in outside consultants and that the consultants' "interim analysis...have shown some cost-based ideas that could be consistent with" closing field offices. Mr. Wilkins committed to provide the committee with drafts, memos, slides, and interim reports produced by the consultants. However, on March 10, 2015, the FCC's Office of Legislative Affairs notified Congressman Pompeo's office that the commission would be unable to provide the final report.

On March 19, 2015, the Subcommittee on Communications and Technology convened a hearing entitled "FCC Reauthorization: Oversight of the Commission" and received testimony from you and your fellow commissioners. Among other things, you discussed your plan to close 16 of 24 field offices and release FCC employees from federal service. In response to questions from subcommittee chairman Greg Walden, you confirmed that you had seen a draft report proposing office closures and would provide the committee with the report. On April 2, 2015, you submitted the "final consultant's report regarding the closure and consolidation of Federal Communications Commission's field offices." Surely, a significant amount of statistical data and analysis was produced to determine whether the closing of a majority of the FCC's field offices would, among other things, have a detrimental effect on the commission's ability to rapidly resolve interference to public safety and other critical communications networks. However, your submission to this committee consists of a two-page memo dated March 10, 2015, from the

Chief of the FCC's Enforcement Bureau and Mr. Wilkins to the Enforcement Bureau field staff and a 35-page PowerPoint presentation identified as "FCC Enforcement Bureau Field Modernization Consultants' Report March 31, 2015." These cannot be the sole basis upon which you concluded to close the field offices.

As evident from the inquiries directed to both you and Mr. Wilkins during your appearances before the committee, your proposal to shutter 16 of the commission's 24 field offices raises significant challenges and concerns. The commission has represented to Congress and the American people that it will "preserve the integrity of public safety communications infrastructure by taking action on 99% of complaints of interference to public safety communications within one day," yet your proposal to reduce the geographic footprint of the commission appears to ignore the impact this might have on the commission's public interest goal. Moreover, notwithstanding your commitment at the March 19, 2015, oversight hearing to meet this metric and report quarterly to the committee on the Enforcement Bureau's success in doing so, little information has been made available. Indeed, our concerns have only been heightened by the commission's failure to provide all the information requested by the committee.

Accordingly, pursuant to Rules X and XI of the U.S. House of Representatives, we respectfully seek your responses to the following requests:

1. Please provide all documents, including all drafts, memos, emails, analyses, PowerPoint slides, interim reports, and the final report produced by the outside consultants related to your proposal to close FCC field offices.
2. Please provide all documents, including all internal communications and internal analyses, related to the Enforcement Bureau and Office of Managing Director joint recommendation to the commission to close the FCC field offices.

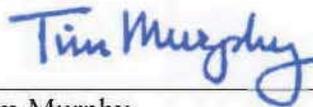
We appreciate your assistance with these requests and ask for your response no later than May 7, 2015. Instructions for responding to the committee's document requests are included as an attachment to this letter. If you should have any questions, please contact David Redl or Charles Ingebretson of the committee staff at (202) 225-2927.

Thank you again for your cooperation.

Sincerely,



Fred Upton  
Chairman

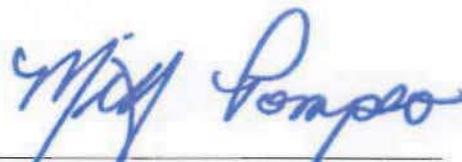


Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations



---

Greg Walden  
Chairman  
Subcommittee on Communications and  
Technology



---

Mike Pompeo  
Member

Attachment



Federal Communications Commission  
Washington, D.C. 20554

May 13, 2015

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Greg Walden  
Chairman  
Subcommittee on Communications and Technology  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Mike Pompeo  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairmen Upton, Murphy, and Walden, and Representative Pompeo:

Please find attached to this letter a 253-page Power Point data pack prepared by the outside consultants the Federal Communications Commission (FCC) hired to analyze the structure and efficiency of the FCC's field offices. This document represents a partial response to the information request regarding the FCC's field office restructuring that you sent Chairman Wheeler on April 23, 2015.

The information in this document was created and presented to the Commission at various times between December 2014, and May 1, 2015. As such, it may reflect initial analyses and recommendations that changed as the project evolved over time. The document contains data underlying the final 35-page report that the consultants presented to the FCC on March 31, 2015, and that Chairman Walden shared with Chairman Walden on April 2, 2015. The Commission is currently considering a restructuring proposal based on this report.

As Chairman Wheeler briefly mentioned at the April 30 hearing and as FCC staff has discussed with your staff, this document contains a significant amount of confidential, non-public information about FCC personnel and about the agency's law enforcement activities.

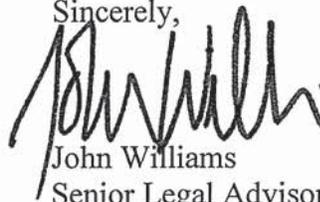
While the FCC recognizes your legitimate oversight interests in materials like this, we have expressed our strong concerns about the potential harm that could be caused by public release of this document.

For example, many pages analyze the performance and productivity of the FCC's current field offices. Other pages contain sensitive information about employee salaries, benefits, and retirement eligibility. Because many FCC field offices are extremely small (many with only one or two employees), these pages reveal sensitive information about individual FCC employees. A number of other pages detail the resources field offices devote to different enforcement activities, the enforcement tools they use, and the capabilities of those tools. Public disclosure of this information could hurt the FCC's ability to investigate and deter violations of our rules and regulations.

I appreciate that you and your staff have committed to seriously considering our confidentiality concerns and respectfully ask that you consult with the FCC before releasing this document, or its contents, to third parties or the public.

Please do not hesitate to contact me if you have further questions about this material.

Sincerely,



John Williams  
Senior Legal Advisor  
Office of General Counsel

Enclosure

Cc (with enclosure):

The Honorable Frank Pallone, Ranking Member  
U.S. House Committee on Energy and Commerce

The Honorable Diana DeGette, Ranking Member  
Subcommittee on Oversight and Investigations  
U.S. House Committee on Energy and Commerce

The Honorable Anna Eshoo, Ranking Member  
Subcommittee on Communications and Technology  
U.S. House Committee on Energy and Commerce