

Subject:	Re: FCC FOIA 2014-138
From:	eitt líf. koma nú. griðastaðir (warren.havens@sbcglobal.net)
To:	Judy.Lancaster@fcc.gov; gary.schonman@fcc.gov;
Cc:	sdepr@aol.com; RJK@telcomlaw.com; Pat.Trammell@southeasterncommercial.com; RKirk@wbklaw.com; Pamela.Kane@fcc.gov;
Date:	Thursday, January 9, 2014 1:15 PM

Ms. Lancaster, and Mr. Schonman,

1. Question. Do you and the FCC represent, by the below, that the subject "requests for confidentiality" are themselves asserted as confidential in full, or in part? I do not see the basis for that in applicable FCC law: because of that, this FOIA request included the following (emphasis added):

The FCC should have these immediately at hand, since in Exhibit 1 the FCC described these, and based on them, withheld records the Requestor sought in FCC FOIA 2014-085.

There cannot be anything subject to FOIA disclosure exemption 4 in a request for confidentiality. Thus, Requestor asks that the FCC immediately release the requested Records.

If any of the sought records have any parts that the FCC finds should be withheld under any FOIA disclosure exemption, then Requestor asks that a redacted copy be provided, redacting only those parts.

I object to the FCC delaying the release.

2. Question. Will the FCC please process this request 2014-138 independent of request 2014-085?

This FOIA request 2014-138 arose due to the FCC response to a FOIA request 2014-085 in which the FCC described certain "request for confidentiality." Prior to that, I did not know of these documents (and they were not public, or I would not have made the request). I submitted a request, 2014-138 for these specific documents. It is a new request, and should not be merged, including as to processing, with the previous request. A person can ask under FOIA for specific documents, and that is encouraged (to be as narrow and specific as possible): if they agency then delays response and otherwise complicated processing of the narrow request, by merging it with another request, that is objectionable in my view - and I object.

Please respond to my two questions above at this time.

Thank you,

Warren Havens, for
Skybridge Spectrum Foundation

From: Judy Lancaster <Judy.Lancaster@fcc.gov>
To: "RJK@telcomlaw.com" <RJK@telcomlaw.com>; "RKirk@wbklaw.com" <RKirk@wbklaw.com>
Cc: "sdepr@aol.com" <sdepr@aol.com>; "Pat.Trammell@southeasterncommercial.com" <Pat.Trammell@southeasterncommercial.com>; "Warren.havens@sbcglobal.net" <Warren.havens@sbcglobal.net>
Sent: Thursday, January 9, 2014 11:50 AM
Subject: RE: FCC FOIA 2014-138

Via email to RJK@telcomlaw.com, sdepr@aol.com, RKirk@wbklaw.com, Warren.Havens@sbcglobal.net, jstobaugh@telesaurus.com

Maritime Communications/Land Mobile LLC
Maritime Communications/Land Mobile LLC, Debtor-in-Possession

c/o Robert J. Keller, Esq.

Choctaw Holdings, LLC
Choctaw Telecommunications, LLC
c/o Robert G. Kirk, Esq.

Re: FOIA 2014-085

Dear Mr. Keller and Mr. Kirk:

On January 7, 2014, Warren Havens filed the attached Freedom of Information Act (“FOIA”) request with the Commission on behalf of Skybridge Spectrum Foundation. The FOIA request seeks “copies of all ‘requests for confidentiality’” submitted by Maritime and Choctaw.

Section 0.461(d)(3) of the Commission’s Rules provides that if a FOIA request seeks records that are the subject of a pending request for confidentiality and the records are not open to routine public inspection, the FOIA request must be provided to the third party for comment. Because the requests for confidential treatment referenced in the instant FOIA request appear to be incorporated into the documents for which confidential treatment is requested, we hereby provide Maritime and Choctaw with a copy of the instant FOIA request. If either Maritime or Choctaw has any objection to release of the “requests for confidentiality” requested in FOIA 2014-138, it shall submit a detailed written statement within **ten calendar days** of the date of this email specifying all grounds for withholding any portion of the information requested. Maritime and Choctaw shall serve a copy of its response, if any, on Mr. Havens by U.S. First Class mail to the address provided in the FOIA request and by email to Warren.Havens@sbcglobal.net and jstobaugh@telesaurus.com. Mr. Havens shall have **ten calendar days** within which to submit a written reply. Mr. Havens shall serve any such reply on Maritime by U.S. First Class mail to Robert Keller, Esq., P.O. Box 33428, Washington, D.C. 20033, and by email to RJK@telcomlaw.com and sdepr@aol.com. Mr. Havens shall serve any such reply on Choctaw by U.S. First Class mail to Robert G. Kirk, Esq., 2300 N Street, NW, Suite 700, Washington, D.C. 20037-1128, and by email to RKirk@wbklaw.com.

Because the documents requested in FOIA 2014-138 appear to be included in those documents responsive to FOIA 2014-085, we invite each of you to incorporate your response to the instant FOIA request, if any, into your response to FOIA 2014-085, if any.

Maritime, Choctaw and Mr. Havens shall direct their responses to Gary Schonman, Special Counsel, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C330, Washington, DC, 20554, and shall also transmit copies of their responses via email to Gary.Schonman@fcc.gov and Judy.Lancaster@fcc.gov.

Please contact me at (202) 418-7584 or by email to Judy.Lancaster@fcc.gov if you have questions regarding this matter.

Sincerely,

Judy Lancaster

From: Judy Lancaster

Sent: Tuesday, January 07, 2014 9:49 AM

To: RJK@telcomlaw.com; RKirk@wbklaw

Cc: sdepr@aol.com; Pat.Trammell@southeasterncommercial.com; Warren.havens@sbcglobal.net

Subject: FCC FOIA 2014-085

*Via email to RJK@telcomlaw.com, sdepr@aol.com, RKirk@wbklaw.com,
Pat.Trammell@southeasterncommercial.com, Warren.Havens@sbcglobal.net*

Maritime Communications/Land Mobile LLC
Maritime Communications/Land Mobile LLC, Debtor-in-Possession
c/o Robert J. Keller, Esq.

Choctaw Holdings, LLC
Choctaw Telecommunications, LLC
c/o Robert G. Kirk, Esq.
Re: FOIA 2014-085

Dear Mr. Keller and Mr. Kirk:

On November 25, 2013, Warren Havens filed the attached Freedom of Information Act (“FOIA”) request with the Commission on behalf of Skybridge Spectrum Foundation. The FOIA request seeks “copies of all records that contain any communications between or among” the parties in the Maritime hearing proceeding (EB Docket No. 11-71) regarding “any potential settlement, consent decree, or other compromise regarding what is known as ‘Issue (g)’ in FCC Order, FCC 11-64.”

Section 0.461(d)(3) of the Commission’s Rules provides that if a FOIA request seeks records that are the subject of a pending request for confidentiality and the records are not open to routine public inspection, the FOIA request must be provided to the third party for comment. At least some of the requested documents were submitted by Maritime and Choctaw and are the subject of requests for confidentiality. Accordingly, Maritime and Choctaw are hereby provided with a copy of the instant FOIA request. If either Maritime or Choctaw has any objection to release of the requested documents, it shall submit a detailed written statement within **ten calendar days** of the date of this email specifying all grounds for withholding any portion of the information requested. Maritime and Choctaw shall serve a copy of its response on Mr. Havens by U.S. First Class mail to the address provided in the FOIA request and by email to Warren.Havens@sbcglobal.net, who shall then have **ten calendar days** within which to submit a written reply. Mr. Havens shall serve any such reply on Maritime by U.S. First Class mail to Robert Keller, Esq., P.O. Box 33428, Washington, D.C. 20033, and by email to RJK@telcomlaw.com and sdepr@aol.com. Mr. Havens shall serve any such reply on Choctaw by U.S. First Class mail to Robert G. Kirk, Esq., 2300 N Street, NW, Suite 700, Washington, D.C. 20037-1128, and by email to RKirk@wbklaw.com and Pat.Trammell@southeasterncommercial.com.

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Sincerely,

Judy Lancaster

Judy Lancaster · Attorney · Investigations and Hearings Division · Enforcement Bureau · Federal Communications Commission · 445 12th Street, S.W. · Room 4-C330
· Washington, D.C. 20554 · Phone: (202) 418-7584 · Fax: (202) 418-2080 · Judy.Lancaster@fcc.gov