



Federal Communications Commission
Washington, D.C. 20554

June 9, 2011

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DA 11-1024

David Rolka
Rolka Loube Saltzer Associates
One S. Market Square, 12th Floor
Harrisburg, PA 17101

Re: Processing Freedom of Information Act Requests for
Telecommunications Relay Service Records

Dear Mr. Rolka:

This letter identifies the procedures for processing Freedom of Information Act (FOIA) requests for Telecommunications Relay Service (TRS) records received by the Federal Communications Commission or Rolka Loube Saltzer Associates (RLSA).¹

Upon receipt of any FOIA requests for TRS records maintained by RLSA, the FCC will promptly notify RLSA and RLSA will promptly notify the FCC of any FOIA requests it receives for TRS records maintained by RLSA. If RLSA has questions about or requires clarification of a request, RLSA shall immediately contact the FCC's Contracting Officer Technical Representative (COTR) or his/her designee with any questions. RLSA should use all reasonable efforts to provide copies of the requested records to the FCC within five business days. If more than five business days are needed to gather records, RLSA will promptly notify the FCC's COTR to discuss and agree on a new date for producing records.

Pursuant to the Commission's rules, RLSA may present its views of whether it recommends withholding or release of records pursuant to FOIA.² If RLSA objects to disclosure, it must provide, among other things, a "detailed written statement specifying all grounds for withholding any portion of the information."³ Moreover, please note that the Commission's rules require that RLSA's response be served on the party seeking to inspect the records so that party may have an opportunity to reply.⁴ The FCC will issue a decision concerning the FOIA request after all responses have been received. The requesting party may then file an application for review of the FCC's decision within 30 days and RLSA may respond to any application for review within 10 business days.⁵

Cost estimates and cost recovery are another important part of FOIA compliance. As a result, we ask that RLSA use all reasonable efforts to respond within three business days to requests from the FCC for estimates of the costs associated with RLSA's search for, review of, and duplication concerning the records responsive to a FOIA request.⁶ When determining the cost estimate for any FOIA request, please compute the amount

¹ 5 U.S.C. Sec 552.

² See 47 C.F.R. § 0.461(d)(3).

³ *Id.*

⁴ *Id.*

⁵ 47 C.F.R. § 0.461(j)

⁶ See 47 C.F.R. § 0.470.

in accordance with FOIA requirements in effect at the time of the request. Many FOIA requests state an amount up to which the requestor is willing to pay to receive the documents requested. In particular, with regard to fees, if you estimate that your cost to process a FOIA request will not exceed the cap in the request, you should proceed with processing it. If RLSA estimates, however, that its cost to process the FOIA will exceed the cap stated in the FOIA request, RLSA shall stop processing the request and provide the FCC with its cost estimate for the search for and review of records. RLSA shall proceed with processing the FOIA when the FCC directs RLSA to proceed. In doing so, also, please retain records of RLSA's actual search time so the government can recover the cost of FOIA processing. All FOIA- related fees are paid by requestors directly to the U.S. Treasury.

As a final matter, nothing herein shall be deemed a waiver of any rights provided under the FOIA to the FCC, RLSA and each party, and their respective employees, directors, officers, agents, contractors or subcontractors.

Thank you for your attention to these issues, which are a critical component of ensuring openness and transparency in the administration of the TRS program. We look forward to continuing our cooperative work with RLSA. If you have any questions or wish to discuss this letter in greater detail, please contact Andrew Mulitz (Andrew.Mulitz@fcc.gov) so we may work cooperatively to ensure compliance with FOIA.

Sincerely,



Mindy J. Ginsburg

Cc: Austin Schlick, FCC
Mark Stephens, FCC
Thomas Buckley, FCC
Andrew Mulitz, FCC
Diane Mason, FCC