



Federal Communications Commission  
Washington, D.C. 20554

August 23, 2018

Johnathan Brodtkin  
26 Summit Ave  
Marlborough, MA 01752  
[jon.brodtkin@arstechnica.com](mailto:jon.brodtkin@arstechnica.com)

RE: FOIA Control No. 2018-000822

Dear Mr. Brodtkin,

This letter responds to your application for expedited processing in connection with your Freedom of Information Act (FOIA) request, FOIA Control No. 2018-000822, seeking certain records related to the Measuring Broadband America report. By this letter, we deny your request for expedited processing.

Section 0.461(h) provides that a request for expedited processing shall be granted where a requester demonstrates a compelling need for expedited processing and certifies his request to be true and correct to the best of his knowledge. Our rules provide that the term “compelling need” means (1) “[t]hat failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual” or (2) “[w]ith respect to a request made by a person primarily engaged in disseminating information, there is an urgency to inform the public concerning actual or alleged Federal Government activity.”<sup>1</sup>

You contend that there is an urgency to inform the public about actual or alleged government activity. Specifically, you state that the recent data released by the Measuring Broadband America program is out of date. However, we are not persuaded that the records you request are so urgent that our normal process will not provide them in a timely manner. Your request for expedited processing is, therefore, denied.

You may seek review of the denial of your request for expedited processing by filing an application for review with the Office of General Counsel.<sup>2</sup> Your application must be *received* within five (5) working days of the date of this letter.<sup>3</sup> You may file an application for review by

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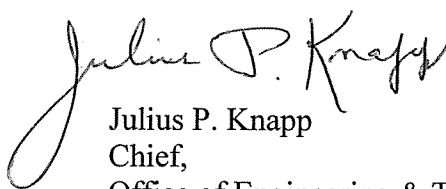
<sup>1</sup> 47 C.F.R. § 0.461(h)(3)

<sup>2</sup> See 47 C.F.R. § 0.461(h)(4)(ii).

<sup>3</sup> *Id.*; 47 C.F.R. § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

mailing the application to Federal Communications Commission, Office of General Counsel, 445 12<sup>th</sup> St SW, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to [FOIA-Appeal@fcc.gov](mailto:FOIA-Appeal@fcc.gov).

Sincerely,

A handwritten signature in cursive script that reads "Julius P. Knapp". The signature is written in black ink and is positioned above the printed name and title.

Julius P. Knapp  
Chief,  
Office of Engineering & Technology

cc: FOIA Office