

2018 Chief FOIA Officer Report of the Federal Communications Commission

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The Federal Communications Commission (FCC) is an independent regulatory agency. It was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, wire, satellite, and cable. It is directed by five Commissioners nominated by the President and confirmed by the United States Senate. The President designates one of the Commissioners as Chairman, who acts as the chief executive officer of the agency. The FCC is organized by function into seven operating Bureaus and eleven Staff Offices. Implementation of the Freedom of Information Act (FOIA) is the responsibility of all FCC components, as FOIA requests are processed by the Bureau or Office that is the custodian of the records sought. The Commission's General Counsel is the FCC's Chief FOIA Officer. The general reporting period for the Chief FOIA Officer (CFO) Report is March 2017 to March 2018. The FCC conducted a review of its administration of the FOIA and analyzed the data from its FOIA Annual Report from Fiscal Year 2017 (October 1, 2016, to September 30, 2017), supplemented by data gathered for the period through March 2018. Highlights of this review and analysis are:

- Consistent with the FOIA Improvement Act of 2016 and Department of Justice (DOJ) guidance, the FCC granted (in full or in part) 579 FOIA requests in FY 2017, as compared to 519 FOIA requests in FY 2016.
- As evidenced by at least two benchmarks, the FCC has successfully implemented DOJ guidance for distinguishing complex and simple FOIA requests, in the form of a checklist distributed within the agency by its Office of General Counsel (OGC):
 - The agency's average response time for simple track initial FOIA requests was 18.26 days. This is the first time the agency reported meeting the DOJ's 20-day benchmark.
 - The agency reported 85 complex FOIA requests processed in FY 2017, compared with one such request in FY 2016.
- In FY 2017, the FCC reported a very low number of year-end backlogged FOIA requests: 15 of 867 processed. While this is slightly higher than the backlog in FY 2016, it is significantly lower than the agency's average of approximately 25 over the last ten years.
- Even as the number of expedited processing requests increased by 60 percent in FY 2017 (to 176, from 110 in FY 2016), the FCC not only continued to meet DOJ's benchmark of 10 calendar days but also improved its average processing time. Specifically, during FY 2017, the Commission averaged 6.47 days adjudicating expedited processing decisions, down from 8.69 in FY 2016.
- The number of year-end backlogged appeals decreased from 12 in FY 2016 to 8 in FY 2017.

Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's [FOIA Guidelines](#) is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Training

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes. As explained in more detail in the response to Question 2 below, the agency's FOIA professionals and other staff attended training offered by, among others, the Department's Office of Information Policy and the FCC.

2. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

The training offered to FCC FOIA staff includes, but is not limited to:

- Department of Justice FOIA Training held at FCC Headquarters (April 12, 2017) – This training program covers FOIA procedural requirements, an overview of FOIA exemptions (with a focus on those exemptions most relied on by Commission staff), the use of proactive disclosures, fees and fee waivers, and administrative appeals and dispute resolution. The FCC reported this training session, as initially tentatively scheduled for February 2017, in its 2017 CFO Report.
- Department of Justice Advanced FOIA Seminar (January 26, 2017) - This full-day program provides lectures and discussions on advanced topics in FOIA administration, including an update of current policy developments impacting FOIA administration, an overview of recent FOIA court decisions, and advanced procedural and exemption considerations.
- Department of Justice Annual FOIA Report Refresher Training (October 10, 2017) – This two-hour course provides an overview of the requirements for completing and submitting the agency's Annual FOIA Report.
- Department of Justice FOIA Litigation Seminar (October 30, 2017) - This full-day program provides lectures and discussions on advanced topics in FOIA administration, including an update of current policy developments impacting FOIA administration, an overview of recent FOIA court decisions, and advanced procedural and exemption considerations.
- Department of Justice Introduction to the FOIA Training (November 7, 2017) – This full-day program provides attendees with a basic overview of the FOIA as well as a hands-on workshop focused on the procedural requirements involved in processing a FOIA request.
- Department of Justice Chief FOIA Officer Refresher Training (December 11, 2017) – This two-hour course provides an overview of the requirements for completing and submitting the agency's Chief FOIA Officer Report.

- Chief FOIA Officers Council Meeting (July 27, 2017) – This program held at the National Archives and Records Administration covered, among other topics, maximizing effectiveness of services provided by agency FOIA Service Centers and FOIA Public Liaisons, and the Office of Government Information Services.
- The agency’s FOIA Service Center provides individual FOIAOnline training for new FOIA professionals and other staff with FOIA responsibilities upon request.

3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

We believe that at least 80 percent of the FCC’s FOIA professionals and staff with FOIA responsibilities have attended at least one FOIA training during the reporting period.¹

4. OIP has [directed agencies](#) to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Not applicable. However, in addition to the training offered by the OIP, the agency’s FOIA Service Center will continue to offer individualized FOIAOnline training for all new FOIA professionals and other staff with FOIA responsibilities, and tentatively plans to conduct brown bag training sessions i) covering the Department of Justice FOIA Training held at the FCC for staff unable to attend the session held on April 12, 2017; and ii) covering enhancements to FOIAOnline.

B. Outreach

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

As an agency receiving fewer than 1000 FOIA requests during the reporting period, the FCC has no formal outreach programs regarding its FOIA administration. The FOIA Service Center has a policy, however, to respond promptly to all contacts from the public about the agency’s FOIA process, with focus on areas that are not covered by online resources. Among others, the agency’s FOIA webpage, FOIA.gov, and FOIAOnline, offer information regarding its FOIA administration.

¹ The agency reported 13.14 staff with full-time FOIA responsibilities in the FY 2017 Annual FOIA Report. All agency staff with substantial FOIA responsibilities, including full-time, were asked to participate in the DOJ FOIA training session held at the FCC Headquarters on April 12, 2017 (listed as the first item in response to Question 2 above). Approximately 40 staff participated in-person or remotely. Thus, we believe that nearly all agency FOIA professionals attended the April 27, 2017 training alone. Although we did not obtain precise attendance figures for the remaining FOIA training sessions listed in response to Question 2, we believe that many FOIA staff did so.

C. Other Initiatives

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

The agency's internal FOIA webpage and public FOIA webpage provide information for employees who are not FOIA professionals, but who may need to provide records in response to a FOIA request or are otherwise interested in the FOIA process. For instance, the FCC's internal FOIA webpage provides contact information for staff FOIA experts in the agency's FOIA Service Center, Office of General Counsel, and component Bureaus and Offices. As indicated above, the agency's FOIA Service Center offers individual FOIAOnline training for new FOIA professionals and other staff with FOIA responsibilities upon request. In addition, as indicated below, in November 2017 the FOIA Service Center began issuing monthly reports to senior staff in the Bureaus and Offices showing the status of their pending FOIAs.

7. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

The agency's Office of General Counsel continues to execute the initiatives begun in the previous reporting period. Specifically, following the FOIA Improvement Act of 2016, the Chief FOIA Officer directed management in the FCC's bureaus and offices to devote resources to determining if discretionary releases are appropriate for records that otherwise would be protected from release under the FOIA exemptions. Additionally, FCC FOIA staff in all bureaus and offices were provided with a FOIA response template that includes language to use that acknowledges the agency's responsibility to determine if discretionary release is appropriate, and the result of that determination. The template also includes discussion of the harm that would result if an otherwise withheld record were released. Agency FOIA staff also review exempt documents to determine whether partial disclosures may be made.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

DOJ's [FOIA Guidelines](#) emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

1. For Fiscal Year 2017, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2017 Annual FOIA Report.

6.47 days.

- 2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

Not applicable.

- 3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.**
 - Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.**

Yes. The FCC is currently conducting a self-assessment of its FOIA program utilizing the OIP's FOIA Self-Assessment Toolkit, and expects to have it completed before the end of the reporting period. More generally, the responses to the questions in Sections 1-3 in this report reflect additional ways in which the agency has examined its FOIA administration by conducting individualized FOIA Online training, expanding its internal FOIA reporting, and increasing proactive disclosures.

- 4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2017 (please provide a total number or an estimate of the number).**

The FOIA Public Liaison received 14 requests for assistance with FCC FOIA matters. This figure does not include other requests from the public for assistance regarding, for example, records held by another federal agency or entity, or information that is not an agency record or is publicly available.

- 5. Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.**
- 6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.**

The FOIA Service Center actively tracks individual FOIA requests, and issues weekly informational reports to agency FOIA professionals showing FOIAs that are backlogged, FOIAs and Expedited Processing requests due, and FOIAs on hold, thus facilitating staff action and improving agency performance. In November 2017 the FOIA Service Center began issuing to senior staff in the Bureaus and Offices monthly reports showing the status of their pending FOIAs.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

- Hurricanes Harvey, Irma, Maria, Nate – Similar to the information it posted on Hurricane Matthew last year, the Commission made available webpages providing updates about the multiple storms that made landfall this year, and served as a single point of access for notices related to the hurricane, as well as tips for communicating during an emergency.
<https://www.fcc.gov/harvey>, <https://www.fcc.gov/irma>, <https://www.fcc.gov/maria>,
<https://www.fcc.gov/nate>
- Current Policy Initiatives -- The Commission established new webpages devoted to three policy initiatives: bridging the digital divide, restoring internet freedom, and the pending Sinclair/Tribune merger applications. Each page is a one-stop source of information, providing links to FCC releases, news, and other resources, regarding the Commission's efforts.
<https://www.fcc.gov/about-fcc/fcc-initiatives/bridging-digital-divide-all-americans>,
<https://www.fcc.gov/restoring-internet-freedom>, <https://www.fcc.gov/transaction/sinclair-tribune>
- Consumer Guides – The Commission published a number of consumer guides, on topics from cybersecurity to known scams taking advantage of those affected by hurricanes. Each page is available in six languages, provides FAQs or other consumer resources, and contact information and links to file a complaint. <https://www.fcc.gov/consumers/guides/after-storms-watch-out-scams>, <https://www.fcc.gov/consumers/guides/updating-your-smartphone-operating-system>,
<https://www.fcc.gov/consumers/guides/how-protect-yourself-online>,
<https://www.fcc.gov/consumers/guides/real-time-text-improving-accessible-telecommunications>.
- Social Media and RSS Feeds – The Commission participates in several social media platforms to interface with the public on a daily basis. FCC accounts on platforms from Instagram to YouTube regularly update and provide the public with FCC news and releases. In addition, the agency offers automatic updates of its participation in social media by RSS feed subscription.
<https://www.fcc.gov/news-events/social-media>,

2. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

Yes. The FCC participates in numerous social media and e-mail subscription services through which, among other things, it publicizes proactive disclosures for public awareness. These include Facebook, Twitter, Instagram, YouTube, and many others. For instance, the FCC maintains over fifty-five RSS feeds, by which users can receive automatic updates covering the FCC Blog, actions by individual

bureaus and offices, and numerous types of FCC documents and databases. Users can also receive this information by email subscription.

3. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes.

4. If yes, please provide examples of such improvements.

The FCC's policy on open data is showcased in a webpage providing further links, including: 1) FCC Open Data, enabling public innovation by publishing data underlying FCC regulatory proceedings with a focus on improving quality, openness, accessibility and utility; 2) FCC Developers Page, promoting the innovative application of FCC data by connecting developers with the tools they need to unlock government data; 3) FCC Digital Strategy, the agency's participating in federal cross-agency initiatives to increase data usability and consumption; 4) FCC Data and Information Officers, a roster of FCC staff members dedicated to providing data and information; and 5) FCC blog posts on open government. The webpage may be accessed at <https://www.fcc.gov/general/open-government-fcc>.

5. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

In accordance with the requirements of the FOIA Improvement Act of 2016, the agency posted in its electronic FOIA reading room records that had been requested three or more times. In addition, it is the FCC's policy to post on its website any of its information that is of general interest to the public so long as there are no national security, law enforcement, legal, or privacy issues that prohibit its publication. The inventory of website content disclosed pursuant to this policy also is posted online at <https://www.fcc.gov/general/website-inventory-priorities-and-schedules>.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

1. Has your agency identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes please describe the best practices, the types of technology used and the impact on your agency's processing.

The Commission has administered its FOIA program exclusively using FOIAOnline beginning in FY 2016. In addition, the agency's FOIA professionals are able to convert documents, emails, and other conventional digital materials to a pdf format automatically using Adobe Acrobat Pro software. This software provides a full range of FOIA processing tools, including redaction marking and application, FOIA exemption labeling, and deduplication using character searches. The software also enables documents to be provided in digital form to requesters without the need to scan or provide paper copies. Although difficult to quantify, we believe that the conversion to FOIA Online and the widespread use of Adobe Acrobat Pro software has led to more efficient FOIA processing.

2. Did your agency successfully post all four quarterly reports for Fiscal Year 2017?

Yes.

3. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2018.

Not applicable.

4. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.

For the agency's FY 2016 Report, please see: <https://www.fcc.gov/reports-research/reports/annual-foia-reports/freedom-information-act-annual-report-fy-2016> (link to the Excel Report posted under "Relevant Data").

[For the agency's FY 2017 Report]

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2017 Annual FOIA Report and, when applicable, your agency's 2016 Annual FOIA Report.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a

category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Yes.

2. If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?

Yes, 18.26 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.

74.3 percent, or 644 of 867 total requests processed.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Not applicable.

B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?

No. The number of backlogged initial FOIA requests in FY 2017 was 15, an increase of six requests from FY 2016.

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming requests.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Any other reasons – please briefly describe or provide examples when possible.**

The agency received 902 initial FOIA requests in FY 2017, an increase of 7.9 percent from the 836 initial FOIA requests in FY 2016. The agency's full-time FOIA staff decreased, from 14.3 reported in FY 2016 to 13.14 in FY 2017. In addition, the backlog of 15 initial FOIA requests in FY 2017, although slightly increased from the 9 backlogged requests for FY 2016, represents a very low percentage of the total incoming initial FOIA requests and significantly below the agency's backlog average over the last ten years (about 25).

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2017.

1.7 percent, or 15 of 902 incoming initial FOIA requests.

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?

Yes, the number of backlogged appeals decreased from 12 at the end of Fiscal Year 2016, to 8 at the end of Fiscal Year 2017.

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming appeals.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Any other reasons – please briefly describe or provide examples when possible.**

Not applicable.

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."

Thirty-eight percent (38%), or eight of the 21 total appeals received during Fiscal Year 2017, were backlogged at the end of Fiscal Year 2017.

C. Backlog Reduction Plans

11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2016 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe

your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2017?

Not applicable.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?

Not applicable.

D. Status of Ten Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

Yes.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Not applicable.

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

As indicated above, the agency closed during FY 2017 all of the ten oldest pending requests reported in the FY 2016 Annual Report. One of the ten oldest pending requests reported in the FY 2016 Annual Report was withdrawn because the requester obtained the information outside of FOIA. No interim response was provided.

TEN OLDEST APPEALS

16. In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

No.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

During Fiscal Year 2017, the agency closed seven of the ten oldest appeals that had been pending at the end of Fiscal Year 2016. Of the remaining three appeals, two have since been closed, and the third is currently pending before the Commission.

TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

Not applicable. There were no consultations pending at the end of Fiscal Year 2016 or Fiscal Year 2017.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Not applicable.

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.

As noted above, the Commission was able to close its ten oldest requests from FY 2016, and the Commission had no pending consultations at the end of FY 2016. The Commission closed all but three appeals that were pending at the end of FY 2016. As indicated above, two of these appeals subsequently were closed. In the third appeal, agency staff attempted to work with the appealing party to resolve their concerns and to avoid decisions requiring a vote by the full Commission. During FY 2016 and FY 2017, the appeal remained open during negotiations and mediation before the Office of Government Information Services (OGIS) and subsequently, agency staff. The appeal is currently pending before the Commission.

21. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Not applicable.

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2018.

As indicated above, two of the FCC’s three oldest pending appeals have been closed. The remaining appeal is currently pending before the Commission.

F. Success Stories

Out of all the activities undertaken by your agency since March 2017 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Please see highlights on page 1 above.