



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Telecommunications and**  
**Information Administration**  
Washington, D. C. 20230

August 16, 2016

Mr. Nathan Paul Mehrens  
President and General Counsel  
Americans for Limited Government  
10332 Main Street, No. 326  
Fairfax, VA 22030

RE: NTIA FOIA 016-073

Dear Mr. Mehrens:

On June 14, 2016, the National Telecommunications and Information Administration (NTIA) received your requests pursuant to the Freedom of Information Act (FOIA). In this request you sought the following:

- All records relating to legal and policy analysis developed by or provided to NTIA concerning antitrust issues for the Internet Corporation for Assigned Names and Numbers (ICANN) if NTIA relinquishes its responsibilities regarding the Internet Assigned Names and Numbers Authority (IANA) functions.

On June 15, 2016, NTIA acknowledged receipt of this request and sought some clarification regarding the scope of the request. On June 16, 2016, you provided NTIA with clarification modifying your request and NTIA agreed to proceed with this request. The new modified request included a time frame in which to conduct the search from January 1, 2014 through the present [June 14, 2016]. You also limited the scope to formal memoranda containing an analysis of the antitrust issues, excluding any drafts of those memoranda. For this request, you also sought a fee waiver.

NTIA has conducted a thorough search for responsive records within its possession and control and found no records responsive to your request. Under the Department of Commerce's FOIA regulations, NTIA is required to charge fees for processing FOIA requests. 15 C.F.R. § 4.11 (a). However, the fee for processing this request is below the minimum fee threshold of \$20.00, and therefore, there is no charge for this request. See 15 C.F.R. § 4.11(d)(4). As a result, your fee waiver request is moot.

This concludes the Department's initial response. You have the right to appeal an adverse determination (partial denial or denial) of your FOIA request. An appeal must be received within 90 calendar days of the date of this response letter by the Assistant General Counsel for Litigation, Employment, and Oversight (Office), Room 5898-C, U.S. Department of Commerce,

14th and Constitution Avenue, N.W., Washington, D.C. 20230. Your appeal may also be sent by e-mail to [FOIAAppeals@doc.gov](mailto:FOIAAppeals@doc.gov), by facsimile (fax) to 202-482-2552, or by FOIAonline, if you have an account in FOIAonline, at <https://foiaonline.regulations.gov/foia/action/public/home#>.

The appeal must include the following: a copy of the original request; this response to the request; a statement of the reason why the withheld records should be made available; and the reason why denial of the records was in error. The submission (including e-mail, fax, and FOIAonline submissions) is not complete without the required attachments. The appeal letter, the envelope, the e-mail subject line, and the fax cover sheet should be clearly marked "Freedom of Information Act Appeal." The e-mail, fax machine, FOIAonline, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine, FOIAonline, or Office after normal business hours will be deemed received on the next normal business day.

You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about FOIA mediation services. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448, or facsimile at 202-741-5769. You may also reach the Department's FOIA Public Liaison, Mr. Michael Toland at 202-482-3842 or via email at [mtoland@doc.gov](mailto:mtoland@doc.gov) for additional assistance.

If you have any questions regarding your request, please contact Stacy Cheney, Senior Attorney Advisor, at 202-482-1864 or via email at [scheney@ntia.doc.gov](mailto:scheney@ntia.doc.gov).

Sincerely,



Kathy D. Smith  
Chief Counsel