

September 13, 2010

Attn: Managing Director
Federal Communications Commission
445 12th Street, S.W., Room 1-A836
Washington, D.C. 20554
Re: Freedom of Information Act Request

Dear Sir or Madam:

I am writing you on behalf of Environmental Working Group to make a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and corresponding Federal Communications Commission regulations, 47 C.F.R. §§ 0.441 – 0.470.

EWG is a non-partisan, non-profit organization dedicated to using the power of information to protect public health and the environment. EWG provides useful resources to consumers and advocates policies that promote conservation and mitigate health risks.

In keeping with that mission, EWG is tracking developments related to the City of San Francisco's Cell Phone Right-to-Know Ordinance, No. 155-10. The ordinance requires cell phone providers to display each cell phone's Specific Absorption Rate (SAR) value where consumers can readily see it at the time of purchase.

After Mayor Gavin Newsom signed the ordinance into law last July, CTIA – The Wireless Association, registered its objections by moving its annual trade association meeting away from the city.¹ On July 23, 2010, CTIA filed a complaint in U.S. District Court for the Northern District of California, seeking a federal injunction to prevent the ordinance from taking effect.

Given the public's interest in this matter, EWG requests copies of all FCC records (including but not limited to electronic records) relating to communications between CTIA and the FCC about CTIA's efforts to stop the implementation and enforcement of San Francisco's Cell Phone Right-to-Know Ordinance.

Specifically, EWG requests access to the following types of records:

(1) All shared or public calendar entries with the FCC Office of General Counsel or any of the FCC commissioners' offices listing all meetings with CTIA employees and representatives regarding the ordinance and related litigation; and

¹ Press Release, CTIA, CTIA–The Wireless Association Statement on the San Francisco Board of Supervisors Vote on the Cell Phone Labeling Ordinance (June 22, 2010), <http://www.ctia.org/media/press/body.cfm/prid/1971>.

(2) All e-mail or written correspondence to or from CTIA employees and representatives concerning the ordinance and related litigation.

EWG will accept the requested records with all Privacy Act protected information redacted.

EWG asks the FCC to waive search or review fees related to this FOIA request in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 47 C.F.R. § 0.470. Granting a fee waiver is in the public interest because this request will help the public understand how various governmental bodies interact to determine whether and how consumer product information is made public. EWG is a non-profit organization that educates consumers about potential risks associated with consumer products. Its interest in the requested documents is non-commercial. If the FCC cannot grant a fee waiver, EWG is willing pay up to \$100 so that the FCC may conduct the requested search in a timely fashion.

If you need further clarification about this FOIA request or anticipate any problems with releasing the requested documents, please contact me at (202) 667-6982.

EWG looks forward to your reply to this request within 20 business days, as provided under 5 U.S.C. § 552(a)(6)(A)(i) and 47 C.F.R. § 0.461(g).

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Cluderay', written in a cursive style.

Thomas Cluderay
Stabile Law Fellow
Environmental Working Group