



**Federal Communications Commission
Enforcement Bureau
Western Region
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226**

September 18, 2009

Mr. Nathan Cardozo
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

Re: FOIA Control No. 2009-563

Dear Mr. Cardozo:

We are in receipt of your Freedom of Information Act (FOIA) request dated August 4, 2009. On August 13, 2009, you clarified your FOIA request to include nine categories of FCC records related to inspections of Part 15 Devices in residences.

We have searched our records and have found responsive records as described below. We also are withholding certain documents, described below, pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5) and 0.457(e) of the Commission's Rules, 47 C.F.R. § 0.457(e); as well as FOIA Exemption 6, 5 U.S.C. § 552(b)(6) and 0.457(f) of the Commission's Rules, 47 C.F.R. § 0.457(f); FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), and Section 0.457(g)(3) of the Commission's Rules, 47 C.F.R. § 0.457(g)(3); and FOIA Exemption 7(E), 5 U.S.C. § 552(b)(7)(E) and 47 C.F.R. § 0.457(g)(5). FOIA Exemption 5 and Section 0.457(e) of the Commission's Rules permit nondisclosure of interagency or intra-agency memorandums, emails or letters and the work papers of the Commission's staff. FOIA Exemption 6 and Section 0.457(f) of the Commission's Rules protect personal privacy interests. FOIA Exemption 7(C) and Section 0.457(g)(3) of the Commission's Rules permits us to withhold law enforcement information to the extent disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy. FOIA Exemption 7(E) and Section 0.457(g)(5) of the Commission's Rules permit nondisclosure of records or information compiled for law enforcement purposes to the extent that production of such records or information would disclose investigative techniques or procedures.

Category 1: Any materials intended to instruct FCC agents on the circumstances under which to conduct an inspection of a Part 15 Device in a residence. No responsive documents found.

Category 2: Any materials intended to instruct FCC agents how to conduct inspections of Part 15 Devices in residences. No responsive documents found.

Category 3: Any materials intended to instruct FCC agents how to obtain consent to enter a home or on what constitutes consent to enter a home to conduct inspections of Part 15 Devices in residences. Six pages of documents are enclosed. These documents have been redacted to exclude non-responsive portions and pursuant to FOIA Exemption 6.

Category 4: Any records that describe the consequences of withholding consent from an FCC agent to conduct an inspection of a Part 15 Device in a residence. 84 pages of documents are enclosed. We are withholding 94 pages pursuant to FOIA Exemption 5, FOIA Exemption 6, FOIA Exemption 7(C) and FOIA Exemption 7(E). We have also redacted portions of the documents we are releasing pursuant to FOIA Exemption 5, FOIA Exemption 6, FOIA Exemption 7(C) and FOIA Exemption 7(E).

Category 5: All records, communications or other material regarding any completed inspection by the FCC regarding Part 15 Devices in a residence. 414 pages of documents are enclosed. We are withholding 160 pages pursuant to FOIA Exemption 5, FOIA Exemption 6, FOIA Exemption 7(C) and FOIA Exemption 7(E). We have also redacted portions of the documents we are releasing pursuant to FOIA Exemption 5, FOIA Exemption 6, FOIA Exemption 7(C) and FOIA Exemption 7(E). See also response to Category 4.

Category 6: Any memoranda, policies, or other documents concerning the FCC's retention and/or sharing of any information acquired during an inspection of a Part 15 Device in a residence. The responsive document found is a public document, the FCC's Privacy Act System of Records FCC/EB-1 (Violators File). A copy of this four-page document is enclosed.

Category 7: Any material regarding whether the agency has built in operational safeguards to reduce opportunities for abuse of inspections of Part 15 Devices in residences. See response to Category 3.

Category 8: Any complaints from members of the public or from within the FCC regarding the conduct of any FCC inspection of Part 15 Devices in a residence. No responsive documents found.

Category 9: All records that discuss or describe the potential consequences that individuals might experience as a result of the FCC's inspection of Part 15 devices in a residence, including the consequences of allowing the inspection as well as consequences of not allowing the inspection. See responses to Category 4 and Category 5.

The undersigned official is responsible for this action on your FOIA request. You may file an application for review of this decision with the Commission's Office of General Counsel, 445 – 12th Street, S.W., Washington, DC 20554, within 30 days of the date of this letter pursuant to Section 0.461(j) of the Commission's Rules, 47 C.F.R. § 0.461(j). If you have any questions regarding this matter please contact Margaret Egler, Western Regional Counsel, at (858) 496-5115.

Sincerely,



Rebecca L. Dorch
Regional Director
Western Region
Enforcement Bureau