



FREEDOM OF INFORMATION ACT REQUEST

May 2, 2012

SENT VIA E-MAIL & U.S. MAIL

ATTN: FOIA Officer
Federal Communications Commission
445 12th Street S.W., Room 1-A836
Washington, D.C. 20554

Re: Freedom of Information Act Request, *In the Matter of Google Inc.*, File No. EB-10-IH-4055, NAL/Acct. No. 201232080020, FRNs: 0010119691, 0014720239

Dear Sir or Madam:

Pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and corresponding Federal Communications Commission ("FCC") regulations, 47 C.F.R. §§ 0.441 – 0.470, I request, on behalf of Consumer Watchdog, access to and copies of documents related to the Notice of Apparent Liability for Forfeiture adopted and released on April 13, 2012 in the proceeding *In the Matter of Google Inc.*, File No. EB-10-IH-4055, NAL/Acct. No. 201232080020, FRNs: 0010119691, 0014720239 ("Notice").

This request specifically includes, but is not limited to, the following documents cited in the Notice and all records relating to such documents created or received until the date that this request is satisfied:

1. Letter of Inquiry from P. Michele Ellison, Chief, FCC Enforcement Bureau ("Bureau"), to Google Inc. ("Google") (Nov. 3, 2010) (on file in EB-10-IH-4055) (Notice, p.2, fn. 8);
2. Supplemental Letter of Inquiry from Theresa Cavanaugh, Acting Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Google Inc. (Mar. 30, 2011) (on file in EB-10-IH-4055) (Notice, p.7, fn. 50);
3. Demand Letter from P. Michele Ellison to Richard S. Whitt, Director and Managing Counsel for Telecom and Media Policy, Google Inc., and E. Ashton Johnston, Counsel to Google Inc. (Aug. 18, 2011) (on file in EB-10-IH-4055) (Notice, p.7, fn. 51);
4. Final Supplemental Letter of Inquiry from Theresa Cavanaugh to Google Inc. (Oct. 21, 2011) (on file in EB-10-IH-4055) (Notice, p.7, fn. 52);

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5. Responses of Google Inc. to Letter of Inquiry (Dec. 10, 2010), File No. EB-10-IH-4055, including enclosures Google Documents 11-1 through 11-5 (Notice, p.9, fn. 62);
6. Second Supplement to Responses of Google Inc. to Letter of Inquiry (Dec. 20, 2010), File No. EB-10-IH-4055 (Notice, p.9, fn. 67);
7. Responses of Google Inc. to Supplemental Letter of Inquiry (Apr. 14, 2011), File No. EB-10-IH-4055 (Notice, p.10, fn. 76);
8. All versions of the design document produced by Google in response to Letter of Inquiry (Notice, p.10, ¶22) including, but not limited to, the October 26, 2006 and the August 23, 2007 versions (Notice, p.10, fn. 76)
9. Letter from E. Ashton Johnson to Theresa Cavanaugh, including all attachments (June 3, 2011) (on file in EB-10-IH-4055) (Notice, p.14, fn. 111);
10. Letter from Richard S. Whitt to P. Michele Ellison (Sept. 7, 2011) (on file in EB-10-IH-4055) (Notice, p.16, fn. 122);
11. Interview with [name redacted] Google Inc., in Mountain View, Cal. (Sep. 28, 2011) (Notice, p.4, fn. 18);
12. Interview with [name redacted], Stroz Friedberg LLC, in Washington D.C. (Sep. 20, 2011) (Notice, p.5, fn. 35);
13. Telephone Interview with [name redacted], Google Inc., in Mountain View, Cal. (Oct. 6, 2011) (Notice, p.12, fn. 87);
14. Interview with [name redacted], Google Inc., in Mountain View, Cal. (Sep. 28, 2011) (Notice, p.12, fn. 87);
15. Declaration of [name redacted] (Dec. 9, 2010) (Notice, p.9, fn. 68);
16. Declaration of [name redacted] (Aug. 30, 2011) (Notice, p.10, fn. 75);
17. Declarations of nine Google employees who worked on the Street View project provided by Google to the FCC (Sep. 7, 2011) (Notice, p. 16, ¶33);
18. Interview with [name redacted], Google Inc., in Washington D.C. (Sep. 20, 2011) (Notice, p.16, fn. 124);
19. All declarations dated August 30, 2011 and August 31, 2011 cited in the Notice, p. 16, fn. 124;
20. Telephone Interview with [name redacted], Google Inc., in Mountain View, Cal. (Oct. 6, 2011) (Notice, p.17, fn. 128);

21. Declaration of [name redacted] (Aug. 31, 2011) (Notice, p.17, fn. 134);
22. All declarations dated August 30, 2011 and August 31, 2011 cited in the Notice, p. 18, fn. 138;
23. Google Documents 11-1 to 11-20, plus all attachments to Google Documents 11-1 to 11-20;
24. Evidence Google provided to the FCC showing that the data collection resulted from a deliberate software design decision by one of the Google employees working on the Street View project. (Notice, p.2, ¶2);
25. The entire record of documents *In the Matter of Google Inc.*, File No. EB-10-IH-4055;
26. Documents reviewed by the FCC and the Bureau as part of this investigation;
27. Documents created by the FCC and the Bureau as part of this investigation;
28. Communications from the FCC and the Bureau to Google, Inc. related to this investigation; and
29. Communications from Google, Inc. to the FCC and the Bureau related to this investigation.

On April 18, 2012, Consumer Watchdog filed a FOIA request with the FCC for the unredacted Notice, which has since become publicly available.¹ Consumer Watchdog obtained a copy of the unredacted notice and has closed its request with the FCC. (FOIA Control number 2012-283.)

Consumer Watchdog is a nationally recognized nonpartisan, nonprofit organization representing the interests of taxpayers and consumers. Consumer Watchdog is dedicated to protecting individuals' privacy, focusing in particular on issues related to online privacy and control of personal information.

Consistent with this mission, Consumer Watchdog has tracked developments related to the FCC's investigation of Google, Inc.'s three year collection of data from Wi-Fi networks throughout the United States as part of its Street View project. Between May 2007 and May 2010, without notifying the public, Google used its Street View cars to collect peoples' private information, such as passwords and emails, that was being transmitted wirelessly over unsecured networks. Consumer Watchdog is plaintiff's counsel in the multi-district litigation against Google over these practices, *In re: Google*,

¹ Jessica Guynn, *Google Releases FCC Report on Street View Probe*, LATimes.com (Apr. 28, 2012), <http://www.latimes.com/business/technology/la-fi-tn-exclusive-google-voluntarily-releases-fcc-report-into-street-view-20120427,0,5957937.story>.

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Inc. Street View Electronic Communications Litigation, No. 10-MD-02184 (N.D. Cal. Aug. 17, 2010), *appeal docketed*, No. 11-17483 (9th Cir. Oct. 17, 2011).

FCC initiated an investigation of this matter on November 3, 2010. On April 13, 2012, after many months of being stonewalled by Google during the investigation, FCC issued a heavily redacted Notice of Apparent Liability for Forfeiture and fined Google \$25,000.

Given the public's interest in this matter, I request FCC release records described in 1 through 29, above.

I request that I receive these records in electronic form.

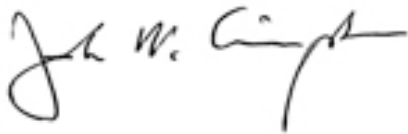
If the records are redacted, please justify each redaction separately by reference to specific exemptions of the Act, and release all reasonably segregable portions of otherwise exempt material. I reserve the right to appeal any decisions. Please send me documentation of any similar requests.

Please notify me before incurring more than \$150 of expenses. The information is intended for a non-profit consumer publication that, as the fee waiver requires, is "likely to contribute significantly to public understanding of the operations or activities of the government." I ask that you waive all fees.

This information is of timely value, so please communicate questions by telephone rather than by mail. I look forward to your reply within 20 business days, as the statute requires. You may reach me at (310) 392-0522 ext. 317, or at john@consumerwatchdog.org.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John Simpson". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Simpson
Consumer Advocate