Via ArkCase FOIA and Email

Daniel Daly
Attn: FOIA Request
Federal Communications Commission
Washington, D.C. 20554
daniel.daly@fcc.gov

Re: Freedom of Information Act Request

August 19, 2026

Dear FOIA Officer,

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, Protect Democracy Project requests that you produce the following records within twenty (20) business days:

1) From July 1, 2023 until the date this search is processed, all records reflecting communications with Danielle Thumann Severs relating to or discussing the July 3, 2023 Media and Democracy Project (MAD) petition to deny the WTXF license renewal application for WTXF ("MAD petition").

2) From September 10, 2024 until the date this search is processed, all records reflecting communications with Danielle Thumann Severs relating to or discussing the September 24, 2024 Center for American Rights (CAR) complaint against WPVI-TV for "news distortion" during the broadcast of the Presidential debate on September 10, 2024 ("CAR ABC complaint").

3) From October 1, 2024 until the date this search is processed, all records reflecting communications with Danielle Thumann Severs relating to or discussing the October 16, 2024 CAR complaint requesting an investigation into WCBS, for "news distortion" in the airing of a "60 Minutes" interview with then Vice President Kamala Harris ("CAR CBS complaint").

4) From November 2, 2024 until the date this search is processed, all records reflecting communications with Danielle Thumann Severs relating to or discussing

the November 4, 2024 CAR "equal time" complaint against WNBC concerning Saturday Night Live ("CAR NBC complaint").

5) From November 2, 2024 until the date this search is processed, all records reflecting communications with Danielle Thumann Severs relating to or discussing the January 16, 2025 decision of Chair Rosenworcel to dismiss the MAD petition, the CAR ABC complaint, the CAR CBS complaint, the CAR NBC complaint, ultimately docketed at "Preserving the First Amendment," GN Docket No. 25-11.

6) From November 2, 2024 until the date this search is processed, all records reflecting communications with Danielle Thumann Severs relating to or discussing Media Bureau Docket No. 25-73, seeking comment on the CAR CBS complaint, including the decision to establish that docket.

7) From September 1, 2024 until the date this search is processed, all records reflecting communications with Danielle Thumann Severs relating to or discussing the Applications for Consent to the Transfer of Control of Paramount Global, MB Docket No. 24-275.

8) From January 1, 2026 until the date this search is processed, all records reflecting communications with Danielle Thumann Severs relating to or discussing the decision to call in Disney's ABC licenses for early renewal.

In compliance with 47 C.F.R. § 0.461(b)(1), all records are likely located in the Office of the Secretary, Office of the Managing Director, Office of the Chairman, Office of Commissioner Brendan Carr (prior to January 22, 2025), Office of the General Counsel, the Enforcement Bureau, and the Media Bureau.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, social media posts and messages, messages on messaging applications, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing

of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. See 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity. We prefer to receive the records in electronic format; however, we are willing to accept the best available copy of each such record.

EXPEDITED PROCESSING

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E) and 47 C.F.R. § 0.461(h). FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i); *see also* 47 C.F.R. § 0.461(h)(2). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." *Id.* § 552(a)(6)(E)(v); *see also* 47 C.F.R. § 0.461(h)(3)(ii).

This request meets the criteria for expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity"—namely the nomination of Ms. Thumann Severs to become a Commissioner, alongside the apparent suppression of private speech in which the Commission has been engaged — and because Protect Democracy Project is "primarily engaged in disseminating information."

Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E). This request seeks information concerning a host of Commission actions that observers across the political spectrum have labeled as speech suppressive.[1] Ms. Thumann Severs served as a Legal Advisor and Senior Counsel to Brendan Carr when he served as Chair and Commissioner, playing a vital role in these matters. The public urgently seeks information about any role Ms. Thumann Severs played here.

This matter is urgent, and therefore merits expedited processing, because the public must be informed of the government activity at issue. Media coverage on these Commission actions has been extensive.[2] "[S]uch media coverage is strong evidence of an 'urgency to inform' the public." *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017); *see also Washington Post v. Dep't of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) ("Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff's FOIA request does not receive expedited treatment."); *Protect Democracy Project, Inc. v. United States Dep't of Just.*, 498 F. Supp. 3d 132, 140 (D.D.C. 2020) (finding urgency in similar circumstances).

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[1] John Hendel, *Trump's roving censor': Top Senate Democrats demand Brendan Carr end Disney review.* Politico (May 7, 2026), https://www.politico.com/news/2026/05/07/disney-censor-fcc-carr-senate-democrats-00910167;
BrieAnna J. Frank, *Former FCC leaders slam agency probe into ABC*, USA Today (July 28, 2026), https://www.usatoday.com/story/news/nation/2026/07/28/former-fcc-leaders-urge-agency-to-drop-abc-probe/91075776007/

[2] *See id.; see also* Chloe Melas & Daniel Arkin, *FCC Directs Disney-Owned TV Stations to File Early License Renewals*, NBC News (Apr. 28, 2026), https://www.nbcnews.com/news/us-news/fcc-direct-disney-owned-tv-stations-file-early-license-renewals-source-rcna342507; Brian Stelter, *Trump Administration Challenges ABC Station Licenses Amind Kimmel Controversy*, CNN, (Apr. 28, 2026), https://www.cnn.com/2026/04/28/media/fcc-kimmel-disney-abc-trump-licenses; David Folkenflik, *Trump administration approves sale of CBS parent company Paramount after concessions*, National Public Radio (July 24, 2025), https://www.npr.org/2025/07/24/nx-s1-5477530/paramount-cbs-skydance-sale-fcc-approves
Reuters, *FCC reinstates complaints against ABC, CBS and NBC for 2024 election coverage*, The Guardian (Jan. 22, 2025), https://www.theguardian.com/us-news/2025/jan/22/fcc-reinstates-complaints-abc-cbs-nbc

Additionally, the request seeks records of communications with a single member of the Commission staff, with a limited number of devices and electronic accounts. As a result, the search should not be time consuming nor labor intensive.

Pursuant to 5 U.S.C. § 552(a)(6)(E)(vi), I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief. And pursuant to 5 U.S.C. § 552(a)(6)(E)(ii) and 47 C.F.R. § 0.461(h)(4)(i), I seek your decision to grant or deny expedited processing within 10 calendar days of your receipt of this request.

FEE WAIVER

Protect Democracy agrees to pay up to $1,000 in fees associated with this request in the event a fee waiver is denied. Thus, the Commission should not delay this FOIA request while fee waiver is under consideration. *See* 47 C.F.R. § 0.461(b)(2).

FOIA provides that any fees associated with a request are waived if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). One of the core missions of Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding of the operations and activities of the government. This request is submitted in furtherance of the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020).] Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good government organization that qualifies under FOIA as a "representative of the news media." Courts have also held that non-profit public interest groups which disseminate information to the public qualify as "representatives of

the news media" for purposes of FOIA's fee reduction provision.[3] The purpose of Protect Democracy Project is to "gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience." *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g.*, *Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project "listed examples of previous instances when it 'disseminate[d] information about its FOIA requests to a wide audience.'"). Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through, among other places, the website protectdemocracy.org; the Bluesky feed https://bsky.app/profile/protect democracy.org, which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a "representative of the news media" for fee waiver purposes. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

If the request for a fee waiver is denied and there are fees for responding to this request, Protect Democracy Project authorizes charges up to $1,000.00. If fees will exceed $1,000.00, please contact me before processing the request.

RESPONSIVE RECORDS

We ask that you search all systems of records, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of

[3] *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a "representative of the news media" for purposes of the FOIA); *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a "public interest law firm," to be a news media requester).

the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at FOIA@protectdemocracy.org or (202) 579-4582 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Conor S. Gaffney

Conor Gaffney,
Counsel
Protect Democracy Project
2020 Pennsylvania Ave. NW, Suite #163
Washington, DC 20006
FOIA@protectdemocracy.org | (202) 579-4582