

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRACY FORWARD FOUNDATION,

Plaintiff,

v.

FEDERAL COMMUNICATIONS
COMMISSION,

Defendant.

Civil Action No. 25-4061 (LLA)

ANSWER

Defendant, the Federal Communications Commission (“FCC”), hereby answers the Complaint filed by Plaintiff Democracy Forward Foundation (“Plaintiff”), ECF No. 1, in the above captioned Freedom of Information Act (“FOIA”) action.

RESPONSES TO THE NUMBERED PARAGRAPHS OF THE COMPLAINT

Defendant expressly denies each and every allegation in the Complaint not specifically admitted or otherwise qualified herein. Defendant reserves its right to amend, alter, and supplement the defenses contained in this Answer as the facts and circumstances giving rise to the Complaint become known to the Defendant through the course of the litigation. To the extent the Complaint refers to or quotes from external documents, statutes, or other sources, Defendant may refer to such materials for their accurate and complete contents in response; however, Defendant’s responses are not intended to be, and should not be construed to be, an admission that the cited materials are (a) correctly cited or quoted by Plaintiff; (b) relevant to this, or any other, action; or (c) admissible in this, or any other, action.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF¹

JURISDICTION AND VENUE

1. This paragraph consists of legal conclusions regarding jurisdiction, to which no response is required. To the extent a response may be deemed required, Defendant admits only that this Court has jurisdiction over this action, subject to the terms and limitations of FOIA.

2. This paragraph consists of legal conclusions regarding venue, to which no response is required. To the extent a response is deemed required, Defendant admits that venue is proper in this district for a properly stated FOIA claim

PARTIES

3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

4. Defendant admits that the Federal Communications Commission is an agency in the Executive Branch of the United States Government within the meaning of 5 U.S.C. § 552(f)(1) and that its headquarters are in Washington, D.C. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

FACTS

5. To the extent the allegations in these paragraphs seek to provide background facts in support of allegations of public interest, Defendant admits there may be some public interest in some of the records sought but presently lacks knowledge or information sufficient to form a belief

¹For ease of reference, Defendant's Answer replicates the headings contained in the Complaint. Although Defendant believes that responses to headings in the Complaint are not required, to the extent a response is deemed required and to the extent the headings or subheadings contained in the Complaint or this Answer could be construed to contain factual allegations, any such allegations are denied.

as to the existence or extent of any public interest, including as compared to any countervailing interests. Defendant denies the remaining allegations in paragraph 5.

6. To the extent the allegations in these paragraphs seek to provide background facts in support of allegations of public interest, Defendant admits there may be some public interest in some of the records sought but presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. Defendant denies the remaining allegations in paragraph 6.

7. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

External Communications and Calendars Request (FCC-FOIA-2025-001321)

8. Defendant admits that Plaintiff submitted a FOIA request to the FCC dated September 18, 2025. Defendant respectfully refers the Court to Plaintiff's referenced FOIA request for a full and accurate statement of its contents and denies the allegations to the extent they are inconsistent.

9. Admit.

10. Admit.

11. Defendant admits that it has not issued a final response to this pending FOIA request.

Key Terms and White House Communications Request (FCC-FOIA-2025-001335)

12. Defendant admits that Plaintiff submitted a FOIA request to the FCC dated September 19, 2025. Defendant respectfully refers the Court to Plaintiff's referenced FOIA request for a full and accurate statement of its contents and denies the allegations to the extent they are inconsistent.

13. Admit.

14. Admit.

15. Defendant admits that it has not responded to this pending FOIA request.

16. Defendant admits that it has not released records responsive to Plaintiff's FOIA request. The remaining allegations in the paragraph consist of legal conclusions, to which no response is required.

CLAIM FOR RELIEF

Count 1 (Violation of FOIA, 5. U.S.C. § 552)

17. Defendant realleges and reincorporates as is fully set forth herein its responses to paragraphs 1-16.

18. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies.

REQUEST FOR RELIEF

This paragraph consists of Plaintiff's prayer for relief, to which no response is required. To the extent a response is deemed required, Defendant denies that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

ADDITIONAL AND OTHER DEFENSES

Defendant reserves the right to amend, alter, and supplement the defenses contained in this Answer as the facts and circumstances that give rise to this Complaint become known to Defendant through the course of this litigation. Defendant does not assume the burden of proving any of these defenses or elements thereof where, as a matter of law, the burden is properly placed on Plaintiff.

FIRST DEFENSE

This Court lacks subject matter jurisdiction over any of Plaintiff's requests for relief to the extent that they exceed the relief authorized by FOIA or the Privacy Act.

SECOND DEFENSE

Plaintiff is not entitled to compel the production of any record or portion of any record protected from disclosure by one or more of the exclusions or exemptions to the FOIA, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a, where disclosure would cause foreseeable harm.

THIRD DEFENSE

Plaintiff is not entitled to production of non-exempt portions of records that are not reasonably segregable from exempt portions of records.

FOURTH DEFENSE

At all times alleged in the Complaint, Defendant acted in good faith, with justification, and pursuant to authority.

FIFTH DEFENSE

Plaintiff is neither eligible for nor entitled to an award of attorneys' fees or costs in this action.

SIXTH DEFENSE

Plaintiff's request fails to comply with the requirements of FOIA to the extent it fails to reasonably describe the records sought or presents an unreasonably burdensome effort upon Defendants to search for, review, redact, and release any responsive records.

SEVENTH DEFENSE

Plaintiffs' request fails to comply with the requirements of FOIA to the extent it fails to reasonably describe the records sought or presents an unreasonably burdensome effort upon Defendant to search for, review, redact, and release any responsive records.

EIGHTH DEFENSE

Defendant asserts that it has, or may have, additional defenses that are not known to Defendant at this time, but which may be ascertained during litigation. Defendant specifically preserves these and other affirmative defenses as they are ascertained during litigation, including those required by Fed. R. Civ. P. 8 and 12.

Dated: January 29, 2026
Washington, DC

Respectfully submitted,

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