

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NINA BURLEIGH

P.O. Box 249
Cochecton, NY 12726

FREQUENCY FORWARD

c/o Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W., #301
Washington, D.C. 20016

Plaintiffs,

FEDERAL COMMUNICATIONS COMMISSION

45 L Street NE
Washington, D.C. 20554

Defendant.

Civil Action

Docket No. _____

**COMPLAINT FOR
INJUNCTIVE RELIEF**

COMPLAINT

1. Nina Burleigh and Frequency Forward (“Plaintiffs”) bring this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. §552, for injunctive and other appropriate relief to enforce their right to prompt disclosure of government agency records in the possession of the Federal Communications Commission (“FCC” or “Defendant”).

PARTIES

2. Nina Burleigh is a writer and investigative journalist. She is a contributing editor at The New Republic and frequent contributor to the New York Times and New York Magazine. She is the author of eight books on an array of subjects.

3. Frequency Forward is a newly-formed public interest organization and consumer advocacy watchdog dedicated to promoting greater transparency and accountability at the FCC.

4. Defendant is an “agency” within the meaning of 5 U.S.C. § 552(f)(1).

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(6)(C)(i). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

6. Venue is proper in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §1391(e).

FACTUAL ALLEGATIONS

7. On November 13, 2024, President-elect Donald Trump announced the formation of the “Department of Government Efficiency,” or “DOGE,” also known as the U.S. DOGE Service (“DOGE” or “USDS”).¹ In the same X post, Trump identified Elon Musk and Vivek Ramaswamy as the incoming leaders of the new department. *Id.* Shortly thereafter, Musk and Ramaswamy published an opinion piece in the *Wall Street Journal*, in which they declared their intent to “advise DOGE at every step to pursue three major kinds of reform: regulatory rescissions, administrative reductions and cost savings.”² Musk and Ramaswamy further pledged that DOGE would operate through “embedded appointees” at federal agencies and would identify “thousands” of unlawful regulations for repeal by the President. *Id.* USDS commenced operations prior to President Trump’s second inauguration on January 20, 2025. Ramaswamy subsequently withdrew from DOGE, leaving Musk in control of the organization. Musk is the

¹ Colleen Long & Jill Colvin, *Trump says Musk, Ramaswamy will form outside group to advise White House on government efficiency*, AP News (Nov. 12, 2024), <https://apnews.com/article/donald-trump-president-elon-musk-vivek-ramaswamy-2f0f76bb6440231f2504b77cb117d988>.

² Elon Musk & Vivek Ramaswamy: *The DOGE Plan to Reform Government*, Wall St. J. (Nov. 20, 2024), <https://www.wsj.com/opinion/musk-and-ramaswamy-the-doge-plan-to-reform-government-supreme-court-guidance-end-executive-power-grab-fa51c020>.

single majority shareholder of Space Exploration Holdings, LLC (“SpaceX”), which owns and operates Starlink, an FCC regulated satellite communications company.

A. USDS Executive Orders

8. On January 20, 2025, President Trump signed Executive Order 14158, 90 Fed. Reg. 8441 (Jan. 29, 2025) (“Order”), which “establishe[d] the Department of Government Efficiency to implement the President’s DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity.” 90 Fed. Reg. at 8441. The Order also established a “temporary organization” under 5 U.S.C. § 3161 entitled “the U.S. DOGE Service Temporary Organization,” which is set to last for 18 months. *Id.* The Order also directs agency heads, in consultation with the USDS Administrator, to “establish within their respective Agencies a DOGE Team of at least four employees.” 90 Fed. Reg. at 8441. Each team “will typically include one DOGE Team Lead, one engineer, one human resources specialist, and one attorney.” *Id.* These DOGE Teams must “coordinate their work with USDS and advise their respective Agency Heads on implementing the President’s DOGE Agenda.” It has been reported that currently, three staff members from DOGE are listed in the FCC’s public directory. They are Tarak Makecha, a former employee of Tesla; Jordan Wick, who previously worked at the self-driving car company Waymo; and Jacob Altik, a lawyer who has already been involved with DOGE’s activities in the Office of Personnel Management.³ It is unclear what their duties are, who they report to or if there are other DOGE staffers at the FCC. It is also unclear what role they play in the FCC’s regulatory proceedings regarding Starlink.

³ https://www.theverge.com/news/644031/doge-federal-communications-commission-directory?fbclid=IwY2xjawJqUm5leHRuA2FlbQIxMQABHhcZjGQYrCw7ffU6wkRe8TH6kc9drRuo9afg0xhXYd3DQTA3Y9ZG66kGwMXb_aem_Qngz6wDVKStafNhA8QQ9yg

B. USDS Operations to Date

9. On information and belief, Musk exercises actual control over USDS’s functions and operations. Musk’s extensive public statements and conduct demonstrate that he is operating as the de facto administrator. For instance, Musk claimed credit for placing large numbers of USAID employees on administrative leave in February, revealing that “We spent the weekend feeding USAID into the wood chipper.”⁴ Musk’s tweet came contemporaneously with severe cuts at USAID. USDS, again through Musk, is also the reported architect of the “Fork in the Road” deferred resignation program intended to induce federal workers to quit. According to the White House, approximately 75,000 employees—roughly 3% of the federal civilian workforce—resigned. *Id.* News sources characterized the Fork in the Road program as “part of DOGE head Elon Musk’s effort to trim the size of government,” noting that the subject line “Fork in the Road” is “the same language Musk used when he slashed jobs at Twitter after taking over that company in 2022.”⁵ On March 14, 2025, Donald Trump signed a directive instructing the US Agency for Global Media to reduce its operations to the legal minimum. This effectively gutted the agency, which oversees Voice of America and funds regional broadcasters Radio Free Europe / Radio Liberty, Radio Free Asia and Middle East Broadcasting Networks. The decision followed comments by Elon Musk accusing the agency of being biased and wasteful.⁶

⁴ Elon Musk (@elonmusk), X (Feb. 3, 2025, 1:54 AM), <https://x.com/elonmusk/status/18863073168042663979?s=46>.

⁵ Will Steakin & Laura Romero, *OPM, implementing Musk's DOGE plans, sends federal workers 2nd 'Fork in the Road' email*, ABC News (Feb. 3, 2025), <https://abcnews.go.com/US/opm-implementing-musk-doge-plans-sends-federalworkers/story?id=118401375>.

⁶ Marina Adami & Natalia Zhdanova, *As Trump Guts US Global Media Agency, Thousands Of Journalists Are Left In Limbo* (April 8, 2025), <https://reutersinstitute.politics.ox.ac.uk/news/trump-guts-us-global-media-agency-thousands-journalists-are-left-limbo>.

10. USDS has obtained unprecedented access to sensitive personal and classified data and payment systems across federal agencies. For instance, USDS teams reportedly received access to “a massive trove of personal information for millions of federal employees” maintained by the Office of Personnel Management (“OPM”) and “sensitive Treasury data including Social Security and Medicare customer payment systems.”⁷ USDS personnel have also gained access to “information on all Americans who rely on Medicare and Medicaid, as well as countless consumers” from the Consumer Financial Protection Bureau, Department of Health and Human Services, and Department of Labor, among other agencies.⁸ A USDS team working at the National Labor Relations Board, according to a whistleblower may have removed sensitive labor data from its systems.⁹

11. News reports also suggest that USDS has continued to conduct at least some operations outside official government systems. For instance, USDS and agency personnel

⁷ <https://apnews.com/article/donald-trump-elon-musk-doge-treasury-5e26cc80fcb766981cea56afd57ae759>; Isaac Stanley-Becker et al., Musk’s DOGE agents access sensitive personnel data, alarming security officials, Wash.Post (Feb. 6, 2025), <https://www.washingtonpost.com/national-security/2025/02/06/elon-musk-doge-access-personnel-data-opm-security/>; Fatima Hussein, Elon Musk’s DOGE commission gains access to sensitive Treasury payment systems: AP sources, AP News (Feb. 1, 2025).

⁸ Am. Fed’n of Lab. & Cong. of Indus. Organizations v. Dep’t of Lab., No. CV 25-0339 (JDB), 2025 WL 542825, at *1 (D.D.C. Feb. 14, 2025); Aileen Graef & Veronica Stracqualursi, *Homeland Security Secretary Noem says DOGE team has access to agency data*, CNN (Feb. 9, 2025), <https://www.cnn.com/2025/02/09/politics/noem-homeland-security-doge-muskenntv/index.html>; Jennifer Jacobs, *DOGE gets access into Consumer Financial Protection Bureau as OMB’s Russell Vought takes over as acting head of federal consumer watchdog agency*, CBS News (Feb. 8, 2025), <https://www.cbsnews.com/news/doge-access-consumer-financial-protection-bureau-omb-russel-vough-acting-head/>.

⁹ Stephen Fowler & Jenna McLaughlin DOGE assigns staffers to work at agency where it allegedly removed sensitive data, (April 16, 2025). <https://www.npr.org/2025/04/16/nx-s1-5366851/doge-nlrb-whistleblower-musk-data>

reportedly communicated “primarily on the encrypted Signal app.”¹⁰ Accordingly, there is reason to believe that government documents may have been destroyed or are maintained outside of government facilities.

C. Elon Musk’s Company, Starlink, is Regulated by the FCC.

12. The available evidence strongly suggests that USDS is being administered and directed by Musk. Musk’s own conduct and statements—including publicly plotting USDS’s course, publicly referring to USDS’s work as his own, accepting correspondence as USDS’s head—are buttressed by the President’s and his representatives’ repeated admissions that President Trump “signed an order creating the Department of Government Efficiency and put a man named Elon Musk in charge.”¹¹ Recent media reports indicate that at least 12 members of the USDS staff have previously worked at SpaceX, and at least 2 have worked for Starlink.¹² Furthermore, the FCC Directory currently indicates that at least 3 USDS staffers are currently working at the FCC.¹³

13. Musk is the founder and Chief Executive Officer of SpaceX and its largest shareholder, controlling a 42% stake and almost 79% of its voting power.¹⁴ Starlink is a wholly owned subsidiary of SpaceX. As of March 28, 2025, there are 7,135 Starlink satellites in orbit

¹⁰ Scott Patterson, et al., *Inside DOGE’s Clash With the Federal Workforce*, Wall St. J. (Feb. 27, 2025), <https://www.wsj.com/politics/policy/inside-doge-elon-musk-government-employees-b87fc17a>.

¹¹ *President Trump Remarks at the FII Priority Summit*, C-SPAN (Feb. 19, 2025), <https://www.c-span.org/program/white-house-event/president-trump-remarks-at-fii-priority-summit/655974>.

¹² *The People Carrying Out Musk’s Plans at DOGE*, N.Y. Times (updated Apr. 18, 2025), <https://www.nytimes.com/interactive/2025/02/27/us/politics/doge-staff-list.html>

¹³ Lauren Feiner, *DOGE Staffers are Listed in the FCC Directory*, The Verge (Apr. 4, 2025), <https://www.theverge.com/news/644031/doge-federal-communications-commission-directory> (noting that at least one of the DOGE staffers at the FCC previously worked for Tesla).

¹⁴ <https://www.wsj.com/business/elon-musk-spacex-loan-269a2168>

with plans to launch as many as 42,000 satellites.¹⁵ SpaceX, specifically Starlink, is an FCC regulated entity. It requires FCC approval to launch satellites and to operate on assigned frequencies. Starlink has also requested FCC funding to provide satellite-based broadband service to rural and underserved areas through the Rural Digital Opportunity Fund (“RDOF”).¹⁶ As the head of USDS, Musk has taken on the role of a federal regulator. At the FCC he has the potential to unlawfully influence regulatory decisions affecting his own company, SpaceX/Starlink. Musk, moreover, will have access to highly confidential information submitted by his competitors. For example, Starlink and many of its direct competitors that provide both terrestrial and satellite based broadband service recently provided extensive amounts of confidential technical and financial information as part of the long-form application (FCC Form 683) for the RDOF auction (Auction 904) support.¹⁷ Musk will (or already has) access to data submitted for RDOF by Starlink’s competitors. RDOF is authorized to disburse up to \$20.4 billion to bring fixed broadband and voice service to millions of unserved homes and small businesses in rural America.¹⁸ Musk, via DOGE, can exploit his conflicts of interest, insofar as he is able to review his competitors’ confidential information. This may allow Musk to have an unfair competitive advantage over other competitors. It may also provide him with significant sway over the agency and inalterably corrupt any further RDOF auctions or similar grant

¹⁵ <https://www.space.com/spacex-starlink-satellites.html>

¹⁶ See, e.g., *386 Applicants Qualified to Bid in the Rural Digital Opportunity Fund Phase I Auction (Auction 904); Bidding to Begin on October 29, 2020*, AU Docket No. 20-34, Public Notice, 35 FCC Rcd 11356, Attach. A (WCB/OEA 2020).

¹⁷ See *Rural Digital Opportunity Fund et al.* WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 725, para. 86 (2020) (noting that long-form applicants are “required to submit extensive information detailing their respective qualifications in long-form applications, allowing for a further -in-depth review of their qualifications prior to authorization of support”).

¹⁸ <https://www.usac.org/high-cost/funds/rural-digital-opportunity-fund/>

programs administered by the FCC or other Federal agencies. Musk dual roles as head of USDS and Starlink create irreconcilable conflicts of interest.

14. Musk has manifested a desire to use his DOGE appointment as a vehicle to help his companies.¹⁹ For example, he has questioned a rule that required SpaceX to obtain a permit for discharging large amounts of polluted water from its launchpad in Texas. He also has said that limiting this kind of oversight could help SpaceX reach Mars sooner — “so long as it is not smothered by bureaucracy,” he wrote on X, his social-media platform. “The Department of Government Efficiency is the only path to extending life beyond Earth.”²⁰ “Meanwhile, back in America, the @FAANews is smothering the national space program in kafkaesque paperwork!”²¹ Musk has suggested on X that if the FCC hadn’t “illegally revoked” more than \$886 million worth of federal funding the company had sought to deliver internet access to rural areas, satellite kits would “probably have saved lives in North Carolina” after a hurricane devastated parts of the state.

15. No apparent effort has been made to segregate Musk from the FCC’s decision-making process. The FCC continues to process and grant Starlink’s applications.²²

16. On February 24, 2025, Plaintiffs filed a FOIA request with the FCC,

¹⁹ See e.g., William Gavin, *Elon Musk's DOGE is going after the agencies that regulate his companies Federal agencies regulating Tesla, Neuralink, SpaceX, and X have all been impacted by DOGE* (Feb. 21, 2025) <https://qz.com/elon-musk-doge-nhtsa-tesla-neuralink-spacex-fda-faa-1851765781>

²⁰ <https://x.com/elonmusk/status/1834640216721965470?t=TiWitiidCUQ3ad8qg8-6AA&s=03>

²¹ https://twitter.com/elonmusk/status/1840063382512132245?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1840063382512132245%7Ctwgr%5E9948b661880b26173bf341ff210661ff07549cef%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.nytimes.com%2F2024%2F10%2F20%2Fus%2Fpolitics%2Felon-musk-federal-agencies-contracts.html

²² See, e.g. Jason Rainbow, *FCC allows a power boost for SpaceX’s direct-to-smartphone service* (Mar. 7 2025) <https://spacenews.com/fcc-allows-a-power-boost-for-spacexs-direct-to-smartphone-service/>

seeking disclosure of the documents concerning DOGE's activities within the agency, including an application for expedited processing. (Exhibit 1)

17. On March 4, 2025, the FCC granted Plaintiffs' request for expedited processing, agreeing with Plaintiffs that there is a compelling need for expedited processing. (Exhibit 2)

18. The FCC's response was due on March 24, 2025.

19. As of this date, the FCC has neither produced any documents, nor responded to the FOIA request.

CAUSE OF ACTION

Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records

20. Plaintiff repeats and re-alleges the allegations in paragraphs 1 through 19 above, inclusive.

21. Defendant has wrongfully withheld agency records requested by Plaintiffs by failing to comply with the statutory time limits for the processing of FOIA requests and administrative appeals 5 U.S.C. §552(a)(6)(A)(i)(ii) and (C)(i); and by failing to conduct a reasonable search for responsive records 5 U.S.C. §552(a)(3).

22. Plaintiffs are entitled to an order requiring the immediate processing and release of the requested documents. 5 U.S.C. § 552(a)(4)(B).

REQUESTED RELIEF

WHEREFORE, Plaintiffs prays that this Court:

A. Order Defendant to process immediately the requested records in their entirety and make copies available to Plaintiffs;

B. Provide for expeditious proceedings in this action pursuant to 28 U.S.C. §1657(a);

C. Award Plaintiffs their costs and reasonable attorneys' fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and

D. Grant such other relief as the Court may deem just and proper.

Respectfully submitted

By: /s/Arthur V Belendiuk
Arthur V. Belendiuk
D.C. Bar No. 336768
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W., #301
Washington, D.C. 20016
(202) 363-4559

DATED: April 24, 2025

EXHIBIT 1

LAW OFFICES
SMITHWICK & BELENDIUK, P.C.

5028 WISCONSIN AVENUE, N.W.
SUITE 301
WASHINGTON, D.C. 20016
TELEPHONE (202) 363-4050

GARY S. SMITHWICK
ARTHUR V. BELENDIUK

COUNSEL

MARK B. DENBO
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Direct Dial (202) 363-4559
Email: abelendiuk@fccworld.com

February 24, 2025

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **FREEDOM OF INFORMATION ACT REQUEST**

Dear Ms. Dortch:

This letter is written on behalf of our clients, Nina Burleigh and Frequency Forward (“Requestors”). Requestors submit this Freedom of Information Act (“FOIA”) request (“Request”) for records pertaining to the Department of Government Efficiency (“DOGE”), also known as the U.S. DOGE Service (“USDS”).

1. Background

On January 20, 2025, President Trump issued an Executive Order establishing the USDS as a “temporary organization” under 5 U.S.C. § 3161, with a mandate to reduce government spending.¹ The Executive Order directs each Agency Head to establish a DOGE Team of at least four employees, “which may include Special Government Employees, hired or assigned within thirty days of the date of this Order.... Agency Heads shall ensure that DOGE Team Leads coordinate their work with USDS and advise their respective Agency Heads on implementing the President’s DOGE Agenda... Agency Heads shall ensure that DOGE Team Leads coordinate their work with USDS and advise their respective Agency Heads on implementing the President’s DOGE

¹ White House, Establishing and Implementing the President's "Department of Government Efficiency" (Jan. 20, 2025) <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>

Agenda.” Agency Heads are ordered to make sure that “USDS has full and prompt access to all unclassified agency records.”

Based on information and belief, Elon Musk is the head of USDS. He has been designated a special government employee (“SGE”). Conflict of interest laws and regulations apply to SGEs.² Conflicts of interest include: 1. Financial interests. Members should recuse themselves if they have a financial interest in a contractor or organization that would be affected by their advice; 2. Employment. Members should recuse themselves if they work for an institution whose financial interests would be affected by their advice; 3. Board membership. Members should recuse themselves if they serve on the board of an awardee with financial responsibility for the project; and 4. Objectivity. Members should recuse themselves if they feel they cannot be objective or unbiased. Specifically, voting members must comply with the laws and regulations prohibiting financial and appearance of conflicts of interest.³ Absent certain exceptions, it is unlawful for an SGE to participate personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any matter in which he has a financial interest.⁴

Elon Musk has been placed at the head of an organization that has been granted a sweeping mandate with unprecedented access to government information and no real oversight. Musk is the founder and Chief Executive Officer of SpaceX and its largest shareholder, controlling a 42% stake and almost 79% of its voting power.⁵ Starlink is a wholly owned subsidiary of SpaceX. As of January 30, 2025, there are 6,994 Starlink satellites in orbit with plans to launch as many as 42,000 satellites.⁶ SpaceX is an FCC regulated entity. It requires FCC approval to launch satellites and to operate on assigned frequencies. As the head of USDS, Musk has taken on the role of a regulator. Musk’s dual role as head of USDS and SpaceX creates a conflict of interest. Based on information and belief, Musk has USDS personnel embedded at the FCC. It is unlikely that Musk can under federal law remain head of USDS as the single majority shareholder of an FCC regulated entity. His conflicts of interest appear to be unmanageable.

² 21 C.F.R. § 14.80(b)(1)(ii); 18 U.S.C.S. § 202(a).

³ 18 U.S.C. § 208, 21 U.S.C. § 379d-1(c), and 5 C.F.R. §§ 2635.401-402, 2635.501-502; 2640.103.

⁴ 18 U.S.C. § 208(a).

⁵ <https://www.wsj.com/business/elon-musk-spacex-loan-269a2168>

⁶ <https://www.space.com/spacex-starlink-satellites.html>

2. Defined Terms

For purposes of this request the following terms are defined to mean:

“Document or written communications” is intended to include but not necessarily be limited to: the original, any copy of the original that differs from it because of notes written on or attached to such copy or otherwise associated with it, or any identical copy of the original if the original is not available, as well as any drafts of all or part of the original, or any written, preprinted, typed, or visually or aurally recorded material or other tangible piece of information of any kind, including computer data (whether located on a computer hard drive, floppy discs, or other storage mechanism), and includes, but is not limited to, any and all writings, correspondence, memoranda, minutes, agendas, notices diaries, notes, emails, records, reports, statements, papers, lists, instructions, guidelines, affidavits, audio or visual tapes, transcripts or tapes of meetings or interviews, photographs, or other graphic or pictorial material, SMS messages, and messages on applications such as Signal, Telegram, iMessage, WhatsApp, Slack, and Microsoft Teams. The terms document or written communication also includes messages or communications sent through personal electronic devices or accounts in the course of their work, including but not limited to: email accounts hosted by non-governmental service providers (including but not limited to Proton Mail, Gmail, and services provided by commercial employers such as SpaceX); non-governmental cell phones; non-governmental laptops; non-governmental accounts with messaging apps (including but not limited to iMessage, Signal, WhatsApp, Slack, and Microsoft Teams).

“SpaceX or Starlink” includes any affiliate or parent company, any employee, officer or director, attorney, accountant, lobbyist or other consultant thereof.

“FCC, Commission or Bureau” includes its staff, employees, and commissioners including all Bureaus and Divisions thereof.

“USDS” includes the entities known as the U.S. Digital Service, U.S. DOGE Service, US. DOGE Service Temporary Organization, Department of Government Efficiency, and DOGE. It also includes DOGE Team Leads appointed or working with the FCC.

“Persons affiliated with or representing USDS” includes, but is not limited to:

(1) any individual employed by, volunteering with, or working in consultation with USDS, including as a Special Government Employee or are part of the DOGE Team or DOGE Team Leads,

(2) any Special Government Employee who began work with a federal agency on or after January 20, 2025,

(3) any employee hired by the FCC since January 20, 2025, who previously worked at Tesla, Inc.; XCorp.; Space Exploration Technologies Corporation (SpaceX); The Boring Company (TBC); or X.AI Corp;

(4) the following named individuals, who have been publicly reported as being affiliated with or representing USDS or SpaceX:

- Baris Akis,
- Phil Alden
- Marc Andreessen
- Anthony Armstrong,
- Riccardo Biasini,
- Brian Bjelde,
- Akash Bobba,
- James Burnham
- Nate Cavanaugh,
- Edward Coristine,
- Steve Davis,
- Stephen Ehikian,
- Marko Elez,
- James Fishback
- Luke Farritor,
- William Gerstenmaier
- Chris Gober
- Nicole Hollander,
- Stephanie Holmes,
- Bret Johnsen
- Mark Juncosa
- Cautiole Kilian,
- Gavin Kliger,
- Michael Kratsios,
- Tom Krause,
- Charles Kuehmann
- David Harris
- Jonathan Hofeller

- Matt Luby,
- William McGinley
- Emil Michael
- Katie Miller,
- Justin Monroe,
- Elon Musk
- Nikhil Rajpal,
- Vivek Ramaswamy
- Rachel Riley,
- Steve Roberts
- Michael Russo,
- Michael Sagan
- Amanda Scales,
- Ethan Shaotran,
- Thomas Shedd,
- Gwynne Shotwell
- Brad Smith
- Christopher Stanley,
- Boans Wescher,
- Joanna Wischer; and

(5) others acting under the supervision or at the direction of the persons described in categories (1)-(4).

Elon Musk or Elon Musk Affiliated Entity, includes Elon Musk and any company owned, controlled or associated with Musk including Tesla, Inc.; XCorp.; Space Exploration Technologies Corporation (SpaceX); The Boring Company (TBC); or X.AI Corp

3. Requested Records

a. Requestors seek all documents from October 1, 2024, to the present, concerning the following USDS matters:

1. All documents by persons affiliated with or representing USDS relating to access to any records of the FCC including data repository, database, system of records, computer matching program, code base, or other system containing information.

2. All documents sent or received by the FCC regarding the deployment of individuals associated or affiliated with USDS.

3. All documents pertaining to any past or planned meeting(s) with any Commission employee that included or includes any person or persons affiliated or associated with USDS;

4. All documents relating to USDS received, produced or disseminated by FCC employees.

5. All documents relating to the selection of DOGE Team members by any FCC employee or insertion of any DOGE Team member at the FCC;

6. All documents relating to the hiring of DOGE Team members or any other Schedule C or non-career Senior Executive Service (SES) or Senior Level (SL) employees to be placed within the FCC, including but not limited to the hiring of special government employees;

7. All documents exchanged between any employee of the FCC and any person affiliated with or representing USDS; and

8. All documents from January 1, 2021, to the present, relating to travel by Brendan Carr or the Carr Office to any location or facility of any Elon Musk Affiliated Entity.

4. Application for Expedited Processing

Requestors seek expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and the Agency's regulations. There is a "compelling need" for these records, as defined in the statute, because the information requested is "urgently" needed by an organization primarily engaged in disseminating information "to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E)(v)(II).

In preparing the FCC's response, please (1) identify each document withheld; (2) state the statutory exemption claimed; and (3) explain how disclosure would damage the interests protected by the claimed exemption.

Pursuant to 47 C.F.R. §0.470(a)(2), Nina Burleigh qualifies as a representative of the news media. Nina Burleigh is a journalist, author, documentary producer, and publisher of a substack on politics. She is contributing editor at The New Republic and frequent contributor to the New York Times and New York Magazine. She's the author of eight books on an array of topics. Frequency Forward is a nonprofit public interest

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association, which seeks to educate the public about FCC policy and regulations. Frequency Forward plans to analyze, publish, and disseminate to the public the information gathered through this Request. Requestors make this request for the purpose of disseminating information and will not use the information disclosed to further its own commercial interests. Accordingly, no search or review fee is to be accessed.

Requestors ask that all documents be provided in electronic format only. Documents that do not exist in electronic format or cannot be converted to electronic format may be provided in hard copy.

Should any questions arise regarding this matter, please communicate directly with this office.

Sincerely,

Arthur V. Belendiuk
Counsel for Nina Burleigh and Frequency Forward

EXHIBIT 2



Federal Communications Commission
Washington, D.C. 20554

March 4, 2025

VIA ELECTRONIC MAIL

Arthur Belendiuk
Smith & Belendiuk, P.C.
5028 Wisconsin Ave. N.W.
Suite 301
Washington, DC 20018
abelendiuk@fccworld.com

Re: FOIA Control No. FCC-FOIA-2025-000636

Mr. Belendiuk:

This letter responds to your application for expedited processing in connection with your Freedom of Information Act (FOIA) request, FOIA Control No. FCC-FOIA-2025-000636, seeking “all documents from October 1, 2024, to the present, concerning the following USDS matters: 1. All documents by persons affiliated with or representing USDS relating to access to any records of the FCC including data repository, database, system of records, computer matching program, code base, or other system containing information. 2. All documents sent or received by the FCC regarding the deployment of individuals associated or affiliated with USDS. All documents pertaining to any past or planned meeting(s) with any Commission employee that included or includes any person or persons affiliated or associated with USDS; 4. All documents relating to USDS received, produced or disseminated by FCC employees. 5. All documents relating to the selection of DOGE Team members by any FCC employee or insertion of any DOGE Team member at the FCC; 6. All documents relating to the hiring of DOGE Team members or any other Schedule C or non-career Senior Executive Service (SES) or Senior Level (SL) employees to be placed within the FCC, including but not limited to the hiring of special government employees; 7. All documents exchanged between any employee of the FCC and any person affiliated with or representing USDS; and 8. All documents from January 1, 2021, to the present, relating to travel by Brendan Carr or the Carr Office to any location or facility of any Elon Musk Affiliated Entity.” By this letter, we grant your request for expedited processing.

Section 0.461(h) provides that a request for expedited processing shall be granted where a requester demonstrates a compelling need for expedited processing and certifies his request to be true and correct to the best of his knowledge. Our rules provide that the term “compelling need” means (1) “[t]hat failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual” or (2) “[w]ith respect to a request made by a person primarily engaged in disseminating information, there is an urgency to inform the public concerning actual or alleged Federal Government activity.”¹

¹ 47 CFR § 0.461(h)(3).

We conclude that the reasoning you provide justifies granting expedited processing on the basis that you are a person primarily engaged in disseminating information and there is an urgency to inform the public concerning actual or alleged government activity. Therefore, we grant your request for expedited processing. We will commence the search for records responsive to your request and anticipate responding to you as soon as possible.

Sincerely,
Cathy Williams SK

Cathy Williams
Associate Managing Director
Office of the Managing Director
Performance and Program Management