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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 assessed.

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