



United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Susan Koehler Sullivan
Sedgwick Law
801 South Figueroa Street, 19th Floor
Los Angeles, CA 90017

MAR 17 2016

Re: FOIA-2016-00415
T-Mobile USA, Inc.

Dear Ms. Sullivan:

This is a partial response to your request dated January 21, 2016 under the Freedom of Information Act seeking access to:

1. Any documents evidencing the FTC's investigation leading up to the filing of the FTC Action (Category 1);
2. Any communications between FTC and T-Mobile related to the claims leading up to the FTC Action (Category 2);
3. Documents obtained from consumers, law enforcement agencies, or in connection with other lawsuits, in the course of the investigation of T-Mobile leading up to the FTC Action (Category 3);
4. Overall conclusions or findings related to the investigation of T-Mobile leading up to the FTC Action (Category 4);
5. Supporting documents used or relied upon by the FTC in preparing any conclusions or findings regarding T-Mobile leading up to the FTC Action (Category 5);
6. Any documents or communications between T-Mobile and the FTC leading up to the settlement agreement from the FTC Action (Category 6); and
7. The settlement agreement from the FTC Action (Category 7).

In accordance with the e-mail exchange between you and Shelley M. O'Hara on March 14, 2016, we are sending records responsive to Category 3 of your request. I am granting partial access to the accessible records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements as explained below.

We are withholding one responsive complaint under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because it is exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that the FTC may not disclose any material reflecting a consumer complaint obtained from a foreign source if that foreign source has requested confidential treatment. 15 U.S.C. § 57b-2(f).

The remaining complaints are provided to you in redacted form. I am denying access to consumers' names and addresses and any other identifying information found in the complaints. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6),

because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

Additionally, some records contain information prepared by an attorney or his agent in contemplation of litigation. This information is exempt from the FOIA's disclosure requirements by FOIA Exemption 5 because it constitutes attorney work-product. *See* 5 U.S.C. § 552(b)(5); *Hickman v. Taylor*, 329 U.S. 495, 509-10 (1947).

Finally, you should know that the attached complaints have not necessarily been verified by the FTC. Therefore, you should make your own judgment about relying on the information provided.

Your final invoice and details regarding how to appeal to this response will be provided in our final response. If you have any questions about the way we are handling your request or about the FOIA regulations or procedures, please contact Shelley M. O'Hara at (202) 326-2072.

Sincerely,


Sarah Mackey
Associate General Counsel

Attachments