



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Telecommunications and**  
**Information Administration**  
Washington, D.C. 20230

November 5, 2010

The Honorable Chuck Reed  
Mayor, City of San Jose  
200 East Santa Clara Street  
18<sup>th</sup> Floor  
San Jose, CA 95113

RE: NTIA FOIA 010-094

Dear Mayor Reed:

On September 23, 2010, the National Telecommunications and Information Administration (NTIA), Office of the Chief Counsel, received your request under the Freedom of Information Act (FOIA), as amended (5 U.S.C. § 552). You requested a copy of the broadband technology opportunities program grant application package submitted by Motorola, Inc. for the San Francisco Bay Area Bay WEB Project. On September 27, 2010, NTIA provided a fee estimate to process this request in the amount of \$67.12. On October 5, 2010, your office acknowledged its willingness to pay this amount.

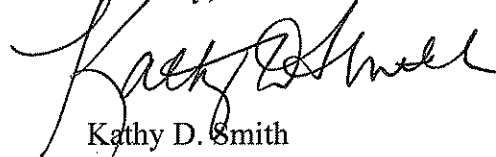
Enclosed are the responsive documents to your request. Several of the documents are being withheld, in whole or in part, pursuant to Exemption 4 of the FOIA, which protects the trade secrets and confidential or privileged commercial or financial information. See, 5 U.S.C. § 552 (b)(4). The remaining documents provided are released in their entirety.

This concludes the initial determination by the Department. You have the right to appeal an adverse determination of your FOIA request. Your appeal must be received within 30 calendar days of the date of this letter by the Assistant General Counsel for Administration (Office), Room 5898-C, U.S. Department of Commerce, 1401 Constitution Avenue, N.W., Washington, DC 20230. Your appeal may also be sent by email to [FOIAAppeals@doc.gov](mailto:FOIAAppeals@doc.gov) or by facsimile (fax) to (202) 482-2552.

Your appeal must include a copy of your original request, the agency response to the request, and a statement of the reason why you believe the withheld records should be made available and why the agency's denial of your request for the records was in error. The submission (including any email or fax submissions) is not complete without the required attachments. The appeal letter, the envelope, the mail subject line, and the fax cover sheet should be clearly marked "Freedom of Information Act Appeal." The email, fax machine and office mailbox is monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m. Eastern Time, Monday through Friday).

If you have any questions regarding the processing of your request, please contact Sharee Anderson, FOIA Specialist, at (202) 482-1030, or [sanderson@ntia.doc.gov](mailto:sanderson@ntia.doc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy D. Smith". The signature is written in a cursive, flowing style.

Kathy D. Smith  
Chief Counsel