



December 17, 2007

BY FACSIMILE — (202) 326-2477

Freedom of Information Act Request  
 Office of the General Counsel  
 Federal Trade Commission  
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Washington DC 20009

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RE: Freedom of Information Act Request

Dear Sir/Madam:

This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and is submitted to the Federal Trade Commission by the Electronic Privacy Information Center (“EPIC”).

#### Part I

#### Participation of Geoffrey Oliver in Review of Doubleclick Google Merger

We learned this morning that Geoffrey Oliver, the former head of the Anticompetitive Practices Division of the FTC’s Bureau of Competition became a partner of the Jones Day law firm and joined the Washington, DC office in October 2007. Please see Appendix 1 attached.

1. We are requesting all agency records, including memos, email, letters, references in schedule and appointment books, regarding Mr. Oliver’s participation in the review of the Google-Doubleclick matter while at the FTC,
2. We are further requesting all agency records that might address any potential conflicts of interest involving Mr. Oliver at any time he was employed at the FTC, including agency rules and guidelines that may have applied to Mr. Oliver.

#### Part II

#### Participation of Michael S. McFalls in FTC Matters

Mr. Michael S. McFalls is “of counsel” to the law firm of Jones Day, a former employee of the Federal Trade Commission, and has been characterized by Jones Day as providing “Professional Representation” in advising Doubleclick “on the international and U.S. antitrust and competition law aspects of its planned \$3.1 billion acquisition by Google Inc.” (Please see Appendix 2 attached).

1. We are requesting all agency records concerning Mr. McFalls, after January 1, 2007, including email, letters, references in schedule and appointment books, as well as any other indication of communication between Mr. McFalls and the Commission.

#### Request for Expedited Processing

This request warrants expedited processing because it pertains to a matter about which there is an “urgency to inform the public about an actual or alleged federal government activity,” and the request is made by “a person primarily engaged in disseminating information.” 5 U.S.C. § 552(a)(6)(E)(v)(I)-(II) (2007).

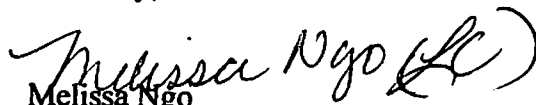
In accordance with *Al-Fayed v. CIA*, 254 F.3d 300, 306, (D.C. Cir. 2001), the documents should be produced as soon as practicable. First, the documents sought concern a merger review before the Federal Trade Commission of enormous consequence. Second, delay would significantly compromise the ability to assess the conflict of interest analysis and whether the Chairman should participate in the merger decision. Third, the request concerns the conduct of a government agency.

#### Request for “News Media” Fee Status

EPIC is a “representative of the news media” for fee waiver purposes, *Electronic Privacy Information Center v. Department of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on our status as a “news media” requester, we are entitled to receive the requested records with only duplication fees assessed. Further, because disclosure of this information will “contribute significantly to public understanding of the operations or activities of the government,” any duplication fees should be waived.

Thank you for your prompt response to this request. As the FOIA provides, I anticipate you will provide responsive documents within twenty (20) working days. Should you have any questions, please call me at (202) 483-1140 ext. 123.

Sincerely,



Melissa Ngo  
EPIC Senior Counsel

Attachments