

# FOIA response to #2021-000305

Good Morning,

Attached is our response to your request **FOIA** Control No. 2021-000305.

Best Regards,

David Duarte  
Spectrum Allocations Analyst  
Federal Communications Commission  
OET/ Policy & Rules Division



Federal Communications Commission  
Washington, D.C. 20554

March 17, 2021

VIA ELECTRONIC MAIL



Re: FOIA Control No. 2021-000305

Dear Mr. Page:

This letter responds to your Freedom of Information Act (FOIA) request seeking:

the purpose, source and introductory date for the sub-audible signals which is anomalous to the audible range of the acoustic signal broadcast on commercial television, as can be observed through FFT spectrograms (Fourier analysis) of both regular programming as well as commercials, with wave signatures that are both regularly anomalous below the 100hz range as well as consistently anomalous when present below the 20hz range: as to whether or not these sub-audible frequencies produce a nervous system response without the public knowing and without the public's informed consent.

You also request "a statement whether or not these sub-audible frequencies have short and/or long term negative psychological effects with the associative imagery on both developing and developed minds with the public's consumption of commercial television where these sub-audible frequencies are present." Your request has been assigned FOIA Control No. 2021-000305.

The FOIA requires agencies to produce documents in response to requests; it does not require agencies to render opinions or to answer questions.<sup>1</sup> Furthermore, staff familiar with the Commission's records have reported that they are not aware of any records in the Commission's possession regarding the topic you raise. Therefore, we have no records responsive to your request.

<sup>1</sup> See *Prof Bill Neill*, 18 FCC Rcd 14642, 24644 ¶5 and n.8 (2003) (citing *DiViao v. Kelley*, 571 F.2d 538, 542 (10<sup>th</sup> Cir. 1978)); *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985), *aff'd*, 808 F.2d 137 (D.C. Cir. 1987), *cert. denied*, 484 U.S. 803 (1987); and *NLRB v. Sears Roebuck & Co.*, 421 U.S. 132, 161-62 (1975). See also *Solomon Oden Battle*, 23 FCC Rcd 6091,6094 (2008).

FOIA denies any responsive documents as well as specifies that

agencies cannot render any opinions on the matter. This response and those involved in responding may welcome a conclusion from the Tele-vision nervous system study.