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DEFENSE INFORMATION SYSTEMS AGENCY
DEFENSE INFORMATION TECHNOLOGY CONTRACTING ORGANIZATION
SCOTT FIELD OFFICE (PL8)
2300 EAST DRIVE, BUILDING 3600
SCOTT AIR FORCE BASE, ILLINOIS 62225-5406

IN REPLY
REFER TO: DDC1A

February 8, 2017

VIA E-MAIL

John Greenewald, Jr.
The Black Vault

Reference: FOIA # HQ 17-12

Dear Mr. Greenewald:

This letter responds to your Freedom of Information Act (FOIA) request, dated December 15, 2016. You requested a copy of contract HC1047-14-C-4018 and any records, electronic or otherwise, of the contract between DISA, and Xtera Communications Inc., to build an undersea internet fiber-optic cable, that stretches from Dania Beach, Florida to Guantanamo Bay, Cuba and to include any and all reports, designs and summaries on what the cable will be used for and what its purpose will be. This would include, but not be limited to, letters, memos, reports, etc. Attached is the contract and fourteen modifications.

With regard to your request for a copies of the reports, designs and additional documents requested FOIA Exemption 3 (5 U.S.C. § 552(b)(3), protects matters that a statute specifically exempts from disclosure. Contract source selection documentation is protected by 41 U.S.C § 2102(a)(1) and DoD contractor proposals is protected by 10 USC § 2305(g). Additionally, FOIA Exemption 5 (5 U.S.C. § 552(b)(5), protects “internal advice, recommendations, and subjective evaluations, as contrasted with factual matters, that are reflected in deliberative records pertaining to the decision-making process of an Agency, whether within or among Agencies (as defined in 5 U.S.C. 552(e) (reference (a)), or within or among DoD Components.” Therefore, the reports, designs and additional documents are denied.

For your information, redactions were applied to pricing under FOIA Exemption 4 (5 U.S.C. § 552 (b) (4)). Exemption 4 protects trade secrets or commercial or financial information received from outside of the Government, the disclosure of which would likely cause substantial harm to the competitive position of the source providing the information or impairment to a Government interest.

Redactions have also been made to phone numbers, email addresses, and signatures pursuant to FOIA Exemption 6 (5 U.S.C. §552 (b)(6)). Exemption 6 protects personnel information.

There is no cost associated with this FOIA.

Please reach out to our office first and foremost if there are any concerns or questions regarding your request. We will try to remediate any issues accordingly.

You have a right to appeal the decision to the Director, Defense Information Systems Agency. Any such appeal should offer justification to support release of the information, include a copy of this decision, and be postmarked within 90 calendar days of the date of this e-mail. The address is:

General Counsel, Defense Information Systems Agency
P.O. Box 549
Ft. Meade, MD 20755-0549

If there are any questions or concerns I can be reached via email or phone at Michele.m.hayesmartinez.civ@mail.mil and 618.229.9314.

Sincerely,

/s
Michele M. Hayes-Martinez
FOIA Paralegal

Enclosure: as stated above