

WHY WOULD DOJ OPPOSE NET NEUTRALITY ... NOW?

McJoan has a post on how the DOJ intervened all of a sudden into the FCC's consideration of Net Neutrality. As she points out, there's something unusual about DOJ's intervention: it came after the comment period had closed.

It was a curious filing, as IP
Democracy's Cynthia Brumfield describes:

What's curious about the filing is that, first, it's an ex parte, or late, submission in the FCC's Inquiry on Broadband Practices, most commonly known as the FCC's net neutrality proceeding. DOJ could have filed comments along with the rest of the world by July 16, the deadline for all submissions, but it didn't. Why DOJ waited until now is an interesting, probably unanswerable question.

A number of people in the comments suggest DOJ intervened as pay-off for the telecoms' help on our NSA spying program. But I don't think that can explain why DOJ missed the deadline. I can understand not wanting to file anti-net neutrality comments right before Congress debates whether or not to give the telecoms retroactive immunity for helping our government to spy on us illegally. So that might explain why DOJ wouldn't submit its comments in mid-July, when Congress was busy discussing amendments to FISA.

Except that Congress is again about to discuss amendments to FISA, specifically immunity for the telecoms. And a lot of people in Congress are probably rethinking their vote, having been

chewed out by constituents for it while marching in the Labor Day parade. Having the telecoms made out to be worse players right now, just before the debate, isn't going to help telecom get their immunity and their private Internets.

In other words, the FISA amendment probably doesn't explain the timing.

I can't say I can explain the timing, mind you. But there are two events that have happened between July 16 and yesterday which might explain the timing. First, Gonzales resigned (though he's still making trouble at DOJ). Also, Ed Gillespie, the big telecom lobbyist, just assumed most of Karl Rove's portfolio on Monday morning.

Did the Lobbyist-in-Chief—who until June was working for the US Telecom Association—have any say over whether DOJ supports Net Neutrality?