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Sue Ann Slates, FOIA/PA Officer
Antitrust Division
Department of Justice
Suite 200N, 325 7th Street, N.W.
Liberty Place Building
Washington, DC 20530-0001
(202) 514-2692

Re: Freedom of Information Act Request

Dear Ms. Slates

This letter, submitted on behalf of Free Press constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552, and the applicable Department of Justice regulations, 28 C.F.R. § 16.1 *et seq.*

Free Press is national, nonpartisan, nonprofit organization. Through education, organizing, and advocacy, Free Press works to increase informed public participation in crucial media policy debates. Free Press and its members have been involved on a wide range of media policy debates and have played a lead role on network neutrality debates. Free Press is the Coordinator of a coalition advocating for network neutrality, the SavetheInternet.com Coalition. This Coalition includes hundreds of nonprofit organizations, small businesses, church affiliations, educational institutions and scholars, video gaming groups, bloggers, and other organizations.

On September 6, 2007, the Department of Justice filed an *ex parte* letter regarding network neutrality in the Federal Communications Commission docket *In the Matter of Broadband Industry Practices*, WC Docket No. 07-52. This *ex parte* was filed months after the comment period closed, as the FCC's Notice of Inquiry was adopted on March 22, 2007, and comments and reply comments were due June 15, 2007 and July 16, 2007, respectively.

We request access to records pertaining to the following employees of the Department of Justice; (1) those who signed the *ex parte* letter: Thomas O. Barnett, Deborah A. Garza, Nancy M. Goodman, Laury Bobbish, Rebekah P. Goodheart, W. Robert Majure, and Jeffrey Wilder; and (2) those listed on the public DOJ organizational chart above the Antitrust Division: Alberto Gonzalez, Paul J. McNulty (until his departure from the agency), William Mercer (until his departure from the agency), Craig S. Morford, and Gregory G. Katsas.

We seek access to such records created between the dates of March 22, 2007 and September 11, 2007, inclusive.

Specifically, we seek access to four categories of records:

- (1) All shared or public calendars of the above-named employees for the above-noted dates, including, but not limited to, entries listing all meetings with non-government individuals, businesses, trade associations and/or other organizations and the subject of the meeting.
- (2) All email or print correspondence, during the above-noted dates, to or from any of the above-named employees concerning the FCC's *Broadband Industry Practices* inquiry, or including the words "network neutrality," "net neutrality," or "broadband industry."
- (3) All email or print correspondence on any subject during the above-noted dates between the above-named employees and any employee of, or attorney, government relations specialist, or lobbyist for: AT&T, Verizon, Comcast, Time Warner, Hands off the Internet, NetCompetition.org, Cellular Telecommunications & Internet Association, US Telecom Association, Qwest, Cisco Systems, and Corning Inc.
- (4) Any studies, assessments, reports, or factual data (or drafts of studies, assessments, reports, or factual data) gathered, during the above-noted time period, by the above-named employees or any other employees in the Antitrust Section of the DOJ, which were prepared in drafting the September 6 network neutrality *ex parte* referenced above.

If it will expedite the request, the DOJ can treat these as four separate requests.

We request a waiver of processing fees pursuant to 5 U.S.C. § 552(a)(4) and 28 C.F.R. § 16.11(k). Disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not in the commercial interest of the requesters. We seek better information on the processes resulting in the DOJ to file this *ex parte* months after the comment period closed, including which outside parties the DOJ consulted. Free Press has the means to widely disseminate information crucial to public understanding, including through its website, Freepress.net, its Coalition website, SaveTheInternet.com, as well as through working with its allies, members, and e-activists.

In the interest of expedition, we ask that you begin immediate processing of this request while our waiver request is reviewed. Be advised that, in the event that a full waiver cannot be granted, Free Press will pay up to \$100.00, so the search can proceed.

We look forward to your reply to this request within twenty business days, as provided under 5 U.S.C. § 522(a)(6)(A)(i) and 28 C.F.R. § 16.5. Thank you for your assistance in this matter.

Sincerely,

/s/

Marvin Ammori
General Counsel
Free Press