

Congress of the United States
Washington, DC 20515

January 12, 2020

The Honorable Merrick B. Garland,
Attorney General-designate
1401 Constitution Avenue, N.W., Suite 38038
Washington, D.C. 20230

Dear Attorney General-designate Garland,

We congratulate you on being selected as our country's next Attorney General and we look forward to partnering with you. We urge the new Department of Justice to withdraw from the U.S. federal government's lawsuit against the State of California over its net neutrality law as one of the first actions after inauguration.

A free and open internet is critical for innovation, free expression, and our economy, and net neutrality rules are exceedingly popular. Four in five Americans support net neutrality – that's 87 percent of Democrats, nearly 80 percent of independents, and 77 percent of Republicans.¹

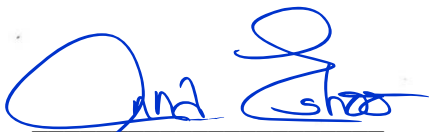
In September 2018, then-Governor Jerry Brown signed into law SB 822, the strongest net neutrality law in the country.² The Trump Department of Justice (DOJ) sued to overturn California's law hours later, and associations of telecommunications providers sued within days.³ Parties to the case agreed to put the case on hold until *Mozilla v. FCC* was resolved. In that case, the Court of Appeals for the D.C. Circuit vacated the part of the Federal Communications Commission (FCC)'s 2018 Restoring Internet Order (RIF) that preempted state net neutrality laws.⁴

The arguments of the Trump DOJ and telecommunications associations in *U.S. v. California* extend further than even the FCC's RIF and have implications on the ability of California and other states to regulate many communications and technology policy issues.⁵

The Eastern District of California has scheduled a hearing in *U.S. v. California* for a request for an injunction on January 26, 2021. It is for these reasons, we ask that the federal DOJ withdraw from *U.S. v. California* shortly after President-elect Biden is inaugurated.

We thank you in advance for considering our request.

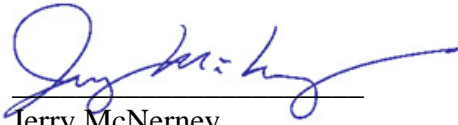
Most gratefully,



Anna G. Eshoo
Member of Congress



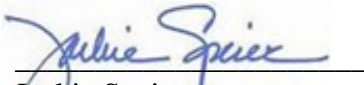
Doris Matsui
Member of Congress



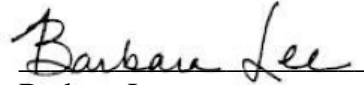
Jerry McNerney
Member of Congress



Mike Thompson
Member of Congress



Jackie Speier
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Barbara Lee
Member of Congress



Mark Takano
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Jimmy Panetta
Member of Congress



Ted W. Lieu
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Ro Khanna
Member of Congress



Jared Huffman
Member of Congress



Eric Swalwell
Member of Congress



Mike Levin
Member of Congress

¹ Andrew Wyrich, “80 Percent of Americans Support Reinstating Net Neutrality,” *The Daily Dot*, March 21, 2019, <https://www.dailydot.com/debug/net-neutrality-poll/>.

² SB 822, the *California Internet Consumer Protection and Net Neutrality Act of 2018* (Cal. Stats. 2018, ch. 976); Jacob Kastrenakes, “California Passes Strongest Net Neutrality Law in the Country,” *The Verge*, August 31, 2018, <https://www.theverge.com/2018/8/31/17805892/california-sb822-net-neutrality-law-vote>.

³ Makena Kelly, “Broadband Industry Groups Sue California over Net Neutrality Bill,” *The Verge*, October 3, 2018, <https://www.theverge.com/2018/10/3/17933804/net-neutrality-california-bill-broadband-isp-sb822>.

⁴ *Mozilla Corp. v. FCC*, No. 18–1051 (D.C. Cir. 2019) (*Mozilla v. FCC*).

⁵ Barbara van Schewick, “California Defends Its Net Neutrality Law,” *Center for Internet and Society, Stanford Law School*, September 17, 2020, <https://cyberlaw.stanford.edu/blog/2020/09/california-defends-its-net-neutrality-law>.