**Investigation of fake net neutrality foes has been stymied by the FCC, New York attorney general says**

By [Eli Rosenberg](https://www.washingtonpost.com/people/eli-m-rosenberg/)

The reports started trickling out in May, in the weeks after the Federal Communications Commission had begun soliciting public comments on a proposal to repeal [net neutrality](https://www.washingtonpost.com/news/the-switch/wp/2017/11/22/official-says-hes-been-stymied-by-the-fcc-in-investigation-of-fake-net-neutrality-foes/?undefined=&utm_term=.b09651fe765c&wpisrc=nl_most&wpmm=1) rules that govern the flow of information on the Internet.

A large number of messages lambasting the Obama-era regulation began appearing on the FCC's public forum with the same text. While it is not unusual for commenters to use form letters provided by activist groups, people began complaining they hadn't submitted the comments that carried their names and identifying information.

They were being impersonated.

New York Attorney General Eric Schneiderman started to investigate after noticing many of these comments involved people in New York. There was an unexpected roadblock along the way: the FCC declined to cooperate with his office’s investigation, he said, rebuffing requests for logs and other records associated with the comments.

The disclosure the FCC had denied Schneiderman’s request was made in an [open letter](https://medium.com/@AGSchneiderman/an-open-letter-to-the-fcc-b867a763850a) he wrote to FCC Chairman Ajit Pai this week.

Schneiderman wrote that the FCC's public comment process for the regulation change, which is required by law, “has been corrupted by the fraudulent use of Americans’ identities.”

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FCC unveils plan to repeal net neutrality, giving Internet providers power to favor websites

The FCC has unveiled a plan to repeal net neutrality, or the idea that Internet service providers can't block or favor websites. See what this means for you. (Jhaan Elker, Brian Fung/The Washington Post)

“Such conduct likely violates state law — yet the FCC has refused multiple requests for crucial evidence in its sole possession that is vital to permit that law enforcement investigation to proceed,” he wrote. “In doing so, the perpetrator or perpetrators attacked what is supposed to be an open public process by attempting to drown out and negate the views of the real people, businesses, and others who honestly commented on this important issue.”

The letter has brought renewed scrutiny to what Schneiderman, as well as other researchers, believe may be hundreds of thousands of fake comments supporting the FCC’s proposed rule change. The accusations have raised questions about the integrity of another public forum, this one run by the federal government, in a moment of growing national concern for the ways in which social media can be exploited for political purposes.

The generic text of the comment in question — “The unprecedented regulatory power the Obama Administration imposed,” it begins — appears in some 800,000 of the 22 million comments filed with the FCC. It is unknown how many are fraudulent. The attorney general’s office said there were some indications some of the names appeared to overlap with names released in past data breaches.

Schneiderman said he had made at least nine requests for records from the FCC between June and November that have gone unanswered. A freelance reporter, Jason Prechtel, says he has been similarly stymied; he has filed a lawsuit against the FCC after it has not fulfilled a Freedom of Information request he filed requesting data about the commenters.

*[*[*Russian firm tied to pro-Kremlin propaganda advertised on Facebook during election*](https://www.washingtonpost.com/politics/facebook-says-it-sold-political-ads-to-russian-company-during-2016-election/2017/09/06/32f01fd2-931e-11e7-89fa-bb822a46da5b_story.html?utm_term=.adf2bf7189f2)*]*

Two members of Congress, Sen. Brian Schatz (D-Hawaii) and Rep. Frank Pallone Jr. (D-N.J.), [have called](https://www.schatz.senate.gov/press-releases/schatz-pallone-call-for-an-independent-investigation-into-reported-fcc-cyberattack) for an investigation into what the FCC said was a cyber-hack that brought down its commenting site in May after a flood of commenters were prompted by HBO host John Oliver to visit the site.

In a statement on Wednesday, the FCC dismissed Schneiderman's assertions as “inaccurate,” but did not give specifics.

“This so-called investigation is nothing more than a transparent attempt by a partisan supporter of the Obama Administration’s heavy-handed Internet regulations to gain publicity for himself,” spokesman Mark Wigfield said in a statement.

The FCC said the majority of suspicious activity on its comment process were from those supporting the Obama-era rules, including 7.5 million copies of another form message it said came from a fake email generator and 400,000 comments in support of net neutrality came from one address in Russia. A conservative group, the National Legal and Policy Center, found 1.3 million came from addresses in France, Russia and Germany and suspicious Internet domains after it analyzed the public comments, according to [Fortune](http://fortune.com/2017/07/17/net-neutrality-fake-comments-fcc/).

Schneiderman and other critics of the fraudulent public comments emphasized their critiques had less to do with the messages' political content than the process itself: fraudulent comments muddied the debate no matter where they fell on the political spectrum.

“We’ve been very clear — they should have addressed fraudulent comments on either side. They’re creating confusion,” said Evan Greer, campaign director of Fight for the Future, a nonprofit that opposes changing the net neutrality rule. “The issue is about the integrity of the process. They weren’t even trying to maintain the integrity of the process and that’s why there’s all these questions.”

The FCC said it did not purge form letters because it did not have the resources to investigate the comments that were filed.

Reporters started [noticing](https://arstechnica.com/tech-policy/2017/05/net-neutrality-comments-are-being-spammed-with-anti-obama-boilerplate/) the series of identical comments that were critical of the Obama-era regulation just days after the public comment process opened.

While it is normal for activist groups to create petitions to allow people to easily endorse generic statements on government forums, people began finding their own names or those of relatives that were deceased on comments they hadn't endorsed, Greer said. A couple dozen people signed a letter saying their names and addresses were used to submit fake comments without their permission; others have come out in news reports saying their names were wrongfully used. Fight for the Future [set up a site](https://www.comcastroturf.com/) to help people easily search for their name in the FCC's comments.

*[*[*Lawmaker: Russian trolls trying to sow discord in NFL kneeling debate*](https://www.washingtonpost.com/world/national-security/lawmaker-russian-trolls-trying-to-sow-discord-in-nfl-kneeling-debate/2017/09/27/5f46dce0-a3b0-11e7-ade1-76d061d56efa_story.html?utm_term=.f0b46a1ab02d)*]*

The text of the form comment appears [to originate](http://cfif.org/v/index.php/commentary/62-technology-and-telecom/3596-center-for-individual-freedom-mobilizes-americans-opposed-to-the-obama-administrations-title-ii-internet-power-grab-) from a campaign organized by a conservative group called the Center For Individual Freedom.

“The unprecedented regulatory power the Obama Administration imposed on the Internet is smothering innovation, damaging the American economy and obstructing job creation,” the text reads. “I urge the Federal Communications Commission to end the bureaucratic regulatory overreach of the Internet known as Title II and restore the bipartisan light-touch regulatory consensus that enabled the Internet to flourish for more than 20 years.”

The group, which did not respond to an immediate request for comment, has said it does not know who filed the comments under other people’s names without their knowledge, according [to Ars Technica](https://arstechnica.com/information-technology/2017/05/identity-theft-victims-ask-fcc-to-clean-up-fake-anti-net-neutrality-comments/).

The FCC’s plan to repeal so-called the net neutrality regulation, a draft of which was revealed this week, has raised concerns from some activist and consumer groups. The new rules would give broadband providers a greater degree of control over Internet content, as well as the speed at which the content can be transmitted to customers, as long as the companies adhere to new transparency guidelines.

Under the 2015 regulation, Internet service providers are prohibited from selectively blocking or slowing websites and rewarding others with preferential download speeds.

A study funded by the telecom industry lobbying group Broadband for America found 60 percent of the comments on the FCC's site were against the repeal of net neutrality rules. The number of “unique comments” — those that are not form notes — were overwhelmingly against repealing net neutrality regulations by a ratio of more than 73 to one.