



# PUBLIC NOTICE

**Federal Communications Commission**  
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## **PRIMARY JURISDICTION REFERRALS INVOLVING CLAIMS UNDER THE COMMUNICATIONS ACT**

This notice provides guidance to parties seeking to bring a dispute involving claims under the Communications Act of 1934, as amended (Act), as the result of a court referral pursuant to the primary jurisdiction doctrine. Courts invoke the primary jurisdiction doctrine where the court has jurisdiction over the case, but the case requires the resolution of issues which, under a regulatory scheme, have been placed in the hands of an administrative agency. *See, e.g., Allnet Communication Service, Inc. v. National Exchange Carrier Association, Inc.*, 965 F.2d 1118 (D.C. Cir. 1992).

The means by which the Commission handles matters referred by a court pursuant to the primary jurisdiction doctrine may vary according to the procedural history and nature of the issues in the referred matter. For example, primary jurisdiction referrals in cases involving common carriers or utilities generally are appropriately filed as complaints with the Enforcement Bureau pursuant to Sections 208 or 224 of the Act. 47 U.S.C. §§ 208, 224. There may be circumstances, however, in which this approach is not appropriate and in which a petition for declaratory ruling to terminate a controversy or remove uncertainty (under Section 1.2 of the FCC's rules, 47 C.F.R. § 1.2) is a better vehicle than a formal complaint proceeding.

Parties to a case in which a court has made a primary jurisdiction referral involving claims under the Act are strongly encouraged to contact the Market Disputes Resolution Division of the Enforcement Bureau for guidance before filing any pleadings or otherwise proceeding before the Commission in such referral. Contacting the Market Disputes Resolution Division before proceeding pursuant to a primary jurisdiction referral will ensure that the matter is properly effectuated and filed, and will avoid delay and unnecessary expense.

For further information, please contact the Market Disputes Resolution Division at 202-418-7330.

Issued by: P. Michele Ellison, Chief, Enforcement Bureau

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