



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA-00-2606
November 16, 2000

PRIMARY JURISDICTION REFERRALS INVOLVING COMMON CARRIERS

This notice provides guidance to parties seeking to bring a dispute involving one or more common carriers to the Commission 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, 1120 (D.C. Cir. 1992).

The procedures by which the Commission handles a common carrier matter referred by a court pursuant to the primary jurisdiction doctrine may vary according to the nature of the matter referred.

Generally, primary jurisdiction referrals in cases involving common carriers are appropriately filed as formal complaints with the Enforcement Bureau pursuant to section 208 of the Communications Act of 1934, as amended. There may be circumstances, however, in which this approach may not be appropriate. Accordingly, parties to a case in which a primary jurisdiction referral has been made are strongly encouraged to contact the Chief of 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 filed and avoid delay and unnecessary expense.

For further information, please contact Tracy Bridgham, Senior Counsel, Market Disputes Resolution Division, at 202-418-7330.

By the Chiefs, Common Carrier Bureau, Enforcement Bureau, International Bureau and Wireless Telecommunications Bureau.

#