

24-354 FEDERAL COMMUNICATIONS COMMISSION V. CONSUMERS' RESEARCH

DECISION BELOW: 109 F.4th 743

LOWER COURT CASE NUMBER: 22-60008

QUESTION PRESENTED:

In 47 U.S.C. 254, Congress required the Federal Communications Commission (Commission) to operate universal service subsidy programs using mandatory contributions from telecommunications carriers. The Commission has appointed a private company as the programs' Administrator, authorizing that company to perform administrative tasks such as sending out bills, collecting contributions, and disbursing funds to beneficiaries. The questions presented are as follows:

1. Whether Congress violated the nondelegation doctrine by authorizing the Commission to determine, within the limits set forth in Section 254, the amount that providers must contribute to the Fund.

2. Whether the Commission violated the nondelegation doctrine by using the Administrator's financial projections in computing universal service contribution rates.

3. Whether the combination of Congress's conferral of authority on the Commission and the Commission's delegation of administrative responsibilities to the Administrator violates the nondelegation doctrine.

CONSOLIDATED WITH 24-422 FOR ONE HOUR ORAL ARGUMENT.

IN ADDITION TO THE QUESTIONS PRESENTED BY THE PETITIONS, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTION: WHETHER THIS CASE IS MOOT IN LIGHT OF THE CHALLENGERS' FAILURE TO SEEK PRELIMINARY RELIEF BEFORE THE FIFTH CIRCUIT.

CERT. GRANTED 11/22/2024