

25-406 FEDERAL COMMUNICATIONS COMMISSION V. AT&T

DECISION BELOW: 149 F.4th 491

LOWER COURT CASE NUMBER: 24-60223

QUESTION PRESENTED:

The Communications Act of 1934, 47 U.S.C. 151 *et seq.*, empowers the Federal Communications Commission (FCC) to assess monetary forfeiture penalties for certain violations of the Act or the FCC's regulations by issuing a notice of apparent liability, giving the regulated party an opportunity to respond in writing, and then issuing a final decision. If the regulated party declines to pay and the government sues to collect the penalties, the regulated party is entitled to a de novo jury trial in a federal district court. Alternatively, the subject of an FCC forfeiture order may pay the monetary penalty and file a petition for review in a court of appeals, thereby triggering a judicial-review proceeding in which no jury is available. The question presented is as follows:

Whether the Communications Act provisions that govern the FCC's assessment and enforcement of monetary forfeitures are consistent with the Seventh Amendment and Article III.

CONSOLIDATED WITH 25-567 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 1/9/2026