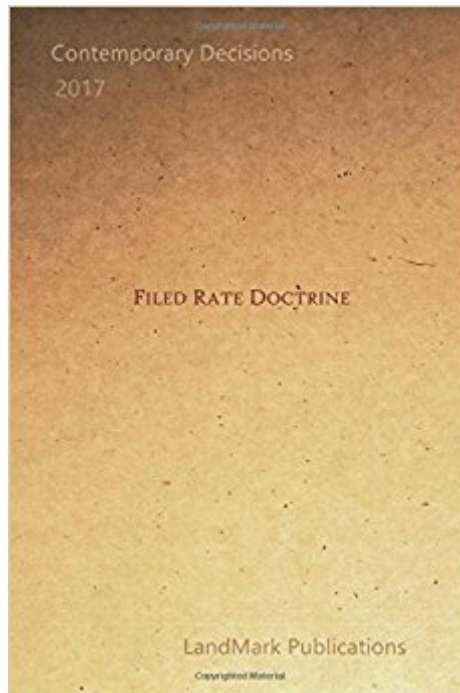




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# Filed Rate Doctrine



## Synopsis

THIS CASEBOOK contains a selection of U. S. Court of Appeals decisions that discuss, interpret and apply the filed-rate doctrine. The selection of decisions spans from 2010 to the date of publication. Under the filed rate doctrine, "any 'filed rate' – that is, one approved by the governing regulatory agency – is per se reasonable and unassailable in judicial proceedings brought by ratepayers." *Wegoland Ltd. v. NYNEX Corp.*, 27 F.3d 17, 18 (2d Cir.1994). The doctrine is grounded on two rationales: first, that courts should not "undermine[] agency rate-making authority" by upsetting approved rates (the principle of "nonjusticiability"); and, second, that litigation should not become a means for certain ratepayers to obtain preferential rates (the principle of "nondiscrimination"). *Marcus v. AT & T Corp.*, 138 F.3d 46, 58, 61 (2d Cir.1998); see generally *Keogh v. Chi. & Nw. Ry. Co.*, 260 U.S. 156, 43 S.Ct. 47, 67 L.Ed. 183 (1922). The doctrine reaches both federal and state causes of action and protects rates approved by federal or state regulators. *Wegoland*, 27 F.3d at 20. Its application does not "depend on the nature of the cause of action the plaintiff seeks to bring" or "the culpability of the defendant's conduct or the possibility of inequitable results." *Marcus*, 138 F.3d at 58. Whenever a ratepayer's claim against a rate filer would implicate either the non-justiciability principle or the nondiscrimination principle, it is barred. *Id.* at 59. *Rothstein v. Balboa Ins. Co.*, *ibid.*

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