

AND OPEN BAYTON COURT OR AGENCY JURISDICTION?

COMMISTAND

Thank you. I appreciate the opportunity to participate in this discussion.

of antitrust law, with our focus for the moment on the essential

facilities doctrine. Before saying anything about essential

facilities doctrine, an affirmative answer to the question whether

the Federal Trade Commission is correct

One point of view is that disputes among states are essential processes

12 can extract from bus monopoly.

regulation of essential facilities is preferable to antitrust enforcement, perhaps, I can shed some light on the question by addressing how the Federal Trade Commission has dealt with

...economically infeasible of government intervention

6
...the Commission has the obligation to ...

Guide which is usually referred to as the 1030-4. The OAC

rights. The commission concluded that there was no "effective

substitute" for the OAC. 7

6
...the Commission has the obligation to ...

NO. 1030-4

...the Commission has the obligation to ... the OAC ...

The consent agreement permitted Allegheny Corporation to

One provision of the consent agreement required

divestit

Cook County. As you probably know a title plant is a privately

owned collection of records regarding the ownership of specific

mortgages, deeds of trust, and other

copies of newly filed

documents.

When someone makes comments, a question is raised regarding the

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searches for title insurance underwriting purposes at a

records.

course, the law under Section 7 provides an adequate basis for

of all essential facilities cases could have been challenged

Commission's Bureau of

paper,¹² two staff economists in the C

conclusion.

ilities: bridges, ferries, tunnels, and connecting

group of facili

the Terminal Railroad Association, which was the

tracks.

d of railroad magnate Jay Gould, was announced in 1900.

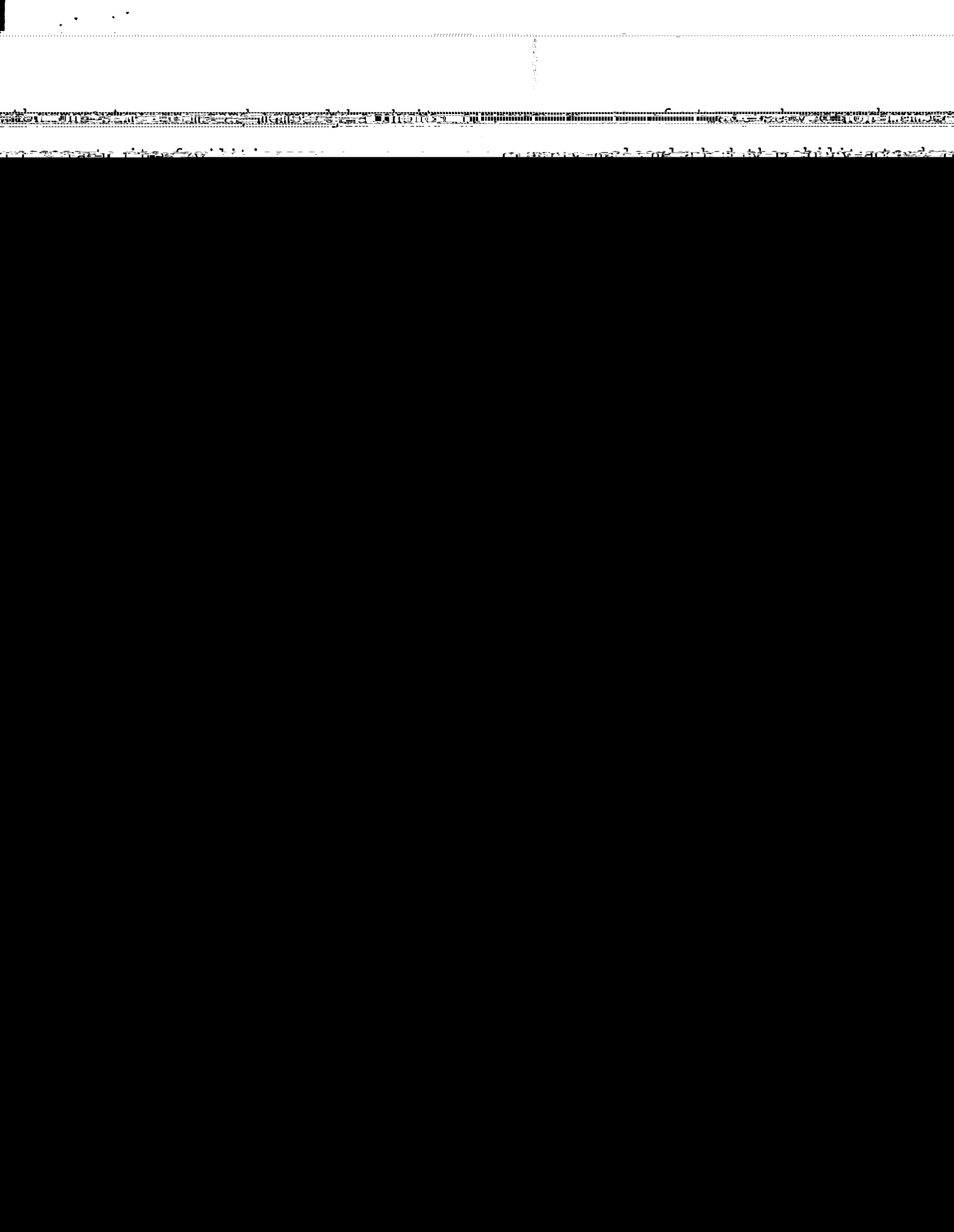
abruptly

1900. The Association first acquired the Rock Island

in 1900, and then the Missouri Pacific in 1901.

Louis, and a hodgepodge of connecting tracks, switching yards,

1000 railroads, and across the river, the company, which could be
smaller, but at least, smaller, ferry operators. It appears that
were considerable barriers to entry into the ferry market, and
had been purchased. The Association owned much of the riverfront
sides of the Mississippi.



lines. The order said nothing about what these listings should look like. The air
it simply mandated equal treatment for all should look like:

In Judge Easterbrook's view, Fishman involved a battle by two

monopolists, the outcome of which was unimportant.

There was no reason to think that the quantity

produced, the price charged, or the quality

of the product would be affected.

Unless the plaintiff can make out a case

of injury to the public interest, the

Commission, however, is charged with

the duty to act in the public interest.

While we may not always act

wisely, our intentions are good: we worry about how our actions

will affect one or a few competitors

rather than the public interest.

It is the Commission's duty to act in the

public interest, not to act in the interest

of a few competitors.

does not burden competition unnecessarily.

1 Railroad-type monopolies are as far as possible. When it comes to Terminal

Thank you.