

COURT OR AGENCY JURISDICTION?

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I thank you all appreciate the opportunity to participate here, especially given the importance of evaluating new practices and the "new economy" in light of the evolution of antitrust law, with our focus for the moment on the essential facilities doctrine. Before saying anything about essential

~~an excess of one point of view is that disputes open access to essential spaces and~~

¹² can extract from its 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

Table 6. - *Ways of living according to the number of children and the economic situation*

—*Estimated by the number of children and the economic situation*

against the government in the matter before the Commission.

Guido, which is usually referred to as the "OAG," the OAG

flights. The Commission concluded that there was no "effective

control" for the OAG 7

not controlled by the airline, and that the airline did not have the right to control it.

The Commission also found that the airline had no right to control the airline, and

the airline, in turn, had no right to control the airline, and

The consent agreement permitted Alleghany Corporation to request copies of documents from title companies in Cook County. One provision of the consent agreement required Alleghany to obtain copies of all documents filed in Cook County. As you probably know, a title plant is a privately-owned collection of records regarding the ownership of specific property. Keeping current and up-to-date information on the ownership of real property is important for title companies to prevent title problems such as liens, mortgages, deeds of trust, and other documents.

searches for title insurance underwriting purposes at a

records.

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

indeed, as Bill Doherty pointed out, the decision of the Commission

of all essential facilities cases could have been challenged.

Commission's Bureau of

paper.12 two staff economists in the C

conclusion.

ties: bridges, ferries, tunnels, and connecting

group of facil

the Terminal Railroad Association, which was the

tracks.

d of railroad magnate Jay Gould, was incorporated in 1864.

Union R

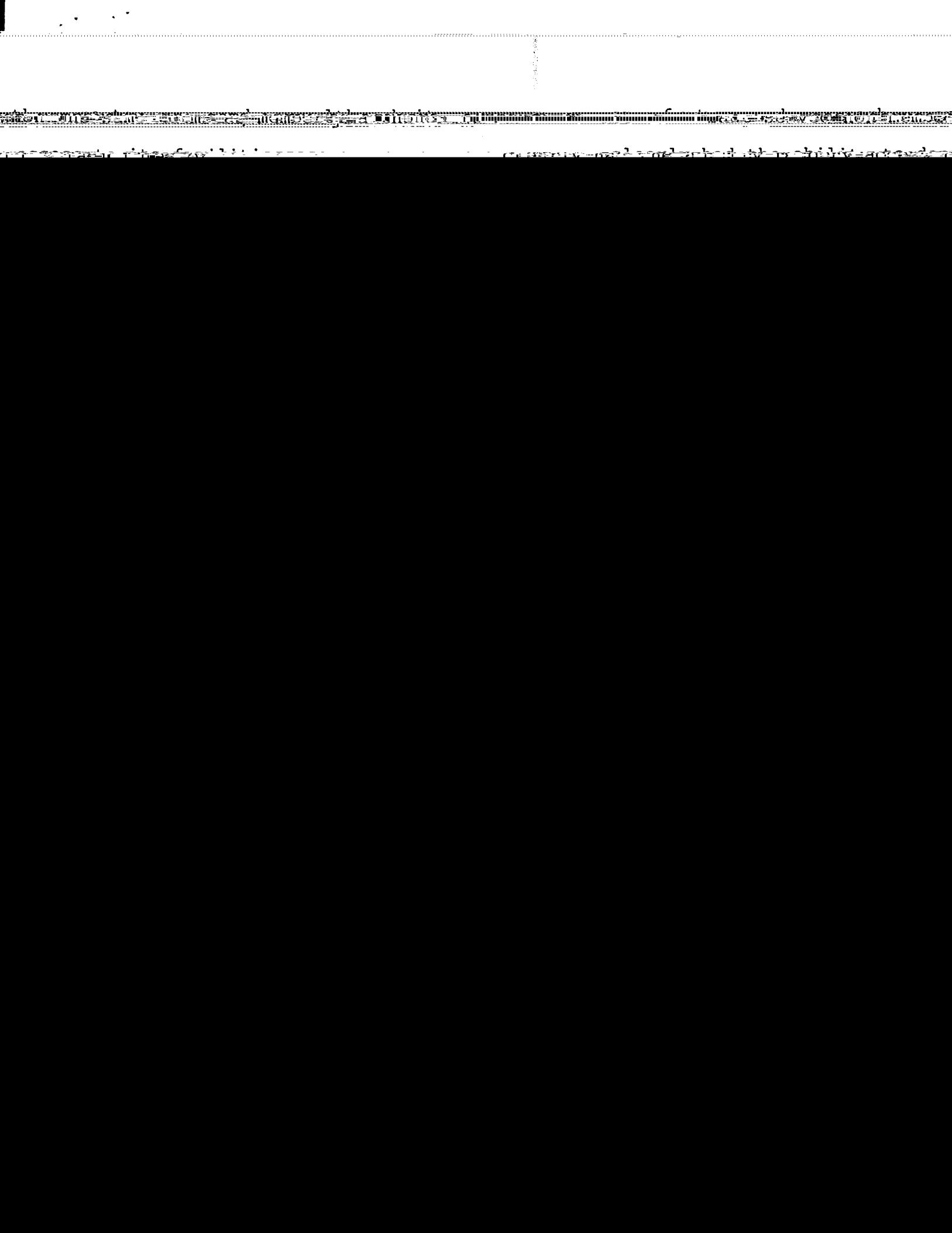
1880... The Association first acquired the Dodge Freight

Company, of St. Louis, and later the Chicago and St. Louis

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

Association had taken control of the Union Pacific's
entry 1200 railroad cars across the river daily, those which could not
be loaded at water bought by smaller river operators. It appears
to have been a consequence of the entry into the river traffic of a number of
smaller companies which had been purchased
and on both sides of the river were owned by the Association, owned much of the riverfront land
on either side of the Mississippi.

Sidewalks of the Mississippi.



lines. The order said nothing about what those listings should look like. It simply mandated equal treatment for all.

In Judge Easterbrook's view, Fishman involved a battle by two monopolists, the outcome of which was inimical to consumers. He was in reason to demand that the quantity produced at the price charged on the supply curve had dropped down. "Unless the plaintiff can make out a plausible theory as to which side is more likely to have violated the antitrust laws, he has no case." In his opinion, the Commission had violated the antitrust laws by failing to consider the effect of its proposed order on the market power of the two companies involved.

On the other hand, Judge Posner argued that the Commission had been defitting himself. The Commission, however, is charged with a 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. In the case of the Commission, the problem is that it has agreed to come to handle cases involving essential facilities, which

does not burden competition unnecessarily.

l Railroad-type monopolies... an

possible... When it comes to Terminal

Thank you.