

AND OPEN BAYTON

COURT OR AGENCY JURISDICTION?

COMMISTAND

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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 production...

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 ...



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 enters a document in the public record, it is

recorded in the public record. The Allegheny Corporation is



searches for title insurance underwriting purposes at a

records.

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

Indeed, as Bill Dwyer of the Association...  
of all essential facilities cases could have been challenged

Commission's Bureau of...  
conclusion.

ties: bridges, ferries, tunnels, and connecting... group of facilities  
the National Railroad Association, which was the... tracks...  
of railroad magnate Jay Gould...  
The Association first acquired the...  
Louis, and a hodgepodge of connecting tracks, switching yards

1000 railroads, each of which the union claims to have a right to represent which could be

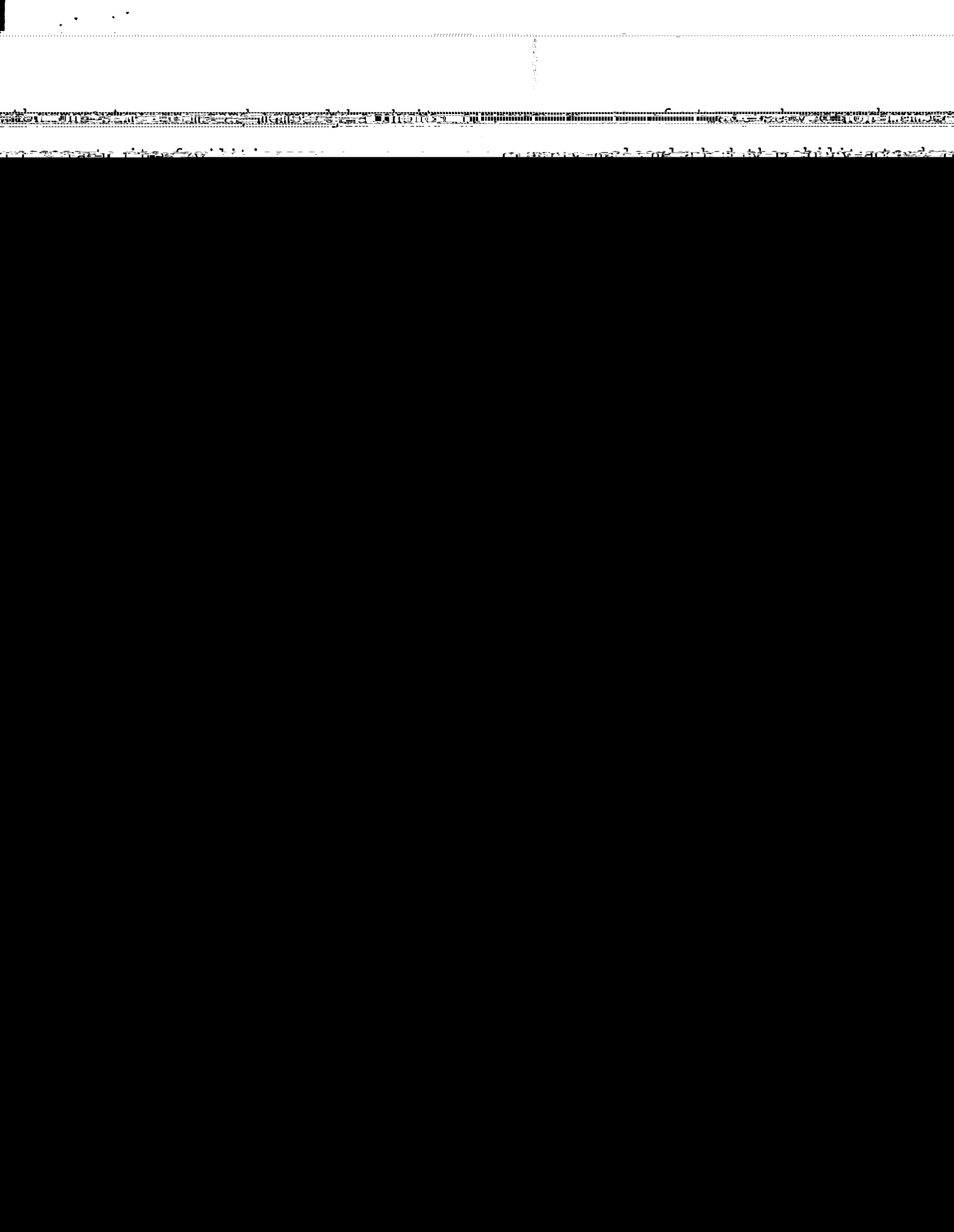
smaller, more efficient, smaller, better operated. It appears that the

are considerable barriers to entry into the industry. It appears that the

had been purchased. It appears that the

and on both sides of the Mississippi.

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

produced, the price charged, or the quality provided.

on. "Unless the plaintiff can make out a case which side

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

ing to handle cases involving essential facilities which contin

does not burden competition unnecessarily.

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

Thank you.