

## Timothy J. Brennan

### Positions and Addresses:

Professor of Public Policy and Economics

Department of Public Policy

University of Maryland, Baltimore County (UMBC)

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**Phone:** (301) 588-8624

**Date of Birth:** December 26, 1952    **Citizenship:** U.S.A.

### Primary Teaching and Research Fields:

Antitrust, Regulation, Industrial Organization, Law and Economics, Energy Policy, Communications Policy

**Additional Fields:** Public Finance, Policy and Ethics, Environmental Economics, Mathematical Methods, Intellectual Property

### Academic Background:

Ph. D., Economics, University of Wisconsin, August 1978 (Dissertation: *On the Micro-foundations of Keynesian Macroeconomics*, R. Bryce Hool, advisor).

M. A., Economics, University of Wisconsin, May, 1976.

M. A., Mathematics, University of Wisconsin, May, 1975.

B. A., Mathematics, University of Maryland, December 1973 (high honors, honors in mathematics).

**Honors:** T. D. MacDonald Chair, Competition Bureau, Industry Canada, 2006.

Bearman First-Year Seminar Professor, UMBC, 2003-04.

EPCOR Distinguished Lecturer, University of Alberta, October 2001.

McGee Lecturer in Public Policy, Vanderbilt University, March 2000.

Gilbert White Fellow, Resources for the Future, 1995.

U.S. Department of Justice, Antitrust Division Award of Merit, 1985;

Meritorious Awards: 1982, 1984; Special Achievement Awards: 1979, 1980

Wisconsin Alumni Research Foundation Graduate Fellowships:

Mathematics, 1974-1975; Economics, 1976-1977;

Doctoral Dissertation in Economics, 1977-1978.

Valedictorian, University of Maryland, December 1973.

### Positions Held:

1990-present: Professor, Public Policy and Economics, University of Maryland Baltimore County (associate professor 1990, tenured 1991, full professor 1993)

1995-present: Senior Fellow, Resources for the Future, Washington DC

2006: T.D. MacDonald Chair in Industrial Economics,  
Canadian Competition Bureau, Industry Canada

2003-2005: Graduate Program Director, Department of Public Policy, UMBC

2003-2005: Staff consultant, Bureau of Economics, Federal Trade Commission

- 1996-1997: Senior Economist for Industrial Organization and Regulation, Council of Economic Advisers, Executive Office of the President, Washington, DC
- 1995: Gilbert White Fellow, Resources for the Future, Washington, DC
- 1986-1989: Associate Professor of Public Policy, Communication, and Economics, Graduate School of Arts and Sciences, George Washington University
- 1978-1986: Economist, Antitrust Division, U. S. Department of Justice

**Department of Justice Responsibilities:** Primary Division economist in the areas of telecommunications, broadcasting, and intellectual property. Staff economist, *U. S. v. AT&T*, *U. S. v. Natl. Assn. of Broadcasters*, *amicus* briefs concerning ASCAP, NCAA, state action cases. Other major matters include those listed below under Official Publications. From 1986-1999, consulted to Division on a part-time staff basis on intellectual property, telecommunications industry structure, computer software practices, energy regulation, and broadcasting policy. Provided policy advice to antitrust and regulatory officials from Eastern Europe, Mexico, and other countries with developing market economies. Served as a contract consultant to the Division through UMBC, 1999-2000.

**Professional Association Memberships:**

American Economic Association  
 American Philosophical Association  
 American Bar Association (associate member)  
 Canadian Economics Association  
 Association for Public Policy Analysis and Management  
 Industrial Organization Society  
 Association for Education in Journalism and Mass Communication  
 Association for Social Economics  
 American Law and Economics Association  
 Society for Philosophy and Public Policy  
 History of Economics Society  
 Association for Evolutionary Economics  
 Society for Economic Research on Copyright Issues  
 Southern Economic Association  
 Washington Area Music Association

**Editorships:**

Co-editor, *Economic Inquiry*

**Editorial Boards:**

*Journal of Regulatory Economics*  
*Communication Law and Policy*  
*Information Economics and Policy*  
*International Journal of the Economics of Business.*

**Refereeing:**

*Agricultural and Resource Economics Review*, *American Economic Review*, Cambridge University Press, *Communication Law and Policy*, *Contemporary Economic Policy*, *Contemporary Policy Issues*, *Eastern Economic Review*, *Ecological Economics*, *Economic Inquiry*, *Economics and Philosophy*, Edward Elgar, *Energy*, *Energy Journal*, *Energy Studies Review*, *Environment and Development Economics*, *Government and Policy*, *Growth and Change*, *Information Economics and Policy*, *International Journal of the Economics of Business*, *Journal of American History*, *Journal of Broadcasting and Electronic Media*, *Journal of Business Economics*, *Journal of Communication*, *Journal of Economic Education*, *Journal of Economic Issues*, *Journal of Economics and Management Strategy*, *Journal of Environmental Economics and Management*, *Journal of Industrial Economics*, *Journal of Institu-*

*tional Economics, Journal of Policy Analysis and Management, Journal of Political Economy, Journal of Regulatory Economics, Journal of Theoretical Politics, Land Economics, Management Science, MIT Press, Oxford University Press, Quarterly Journal of Economics, RAND Journal of Economics, Regulation, Research in Law and Economics, Research in the History of Economic Thought and Methodology, Resource and Energy Economics, Review of Industrial Organization, Review of Network Economics, Review of Social Economy, Scottish Journal of Political Economy, Southern Economic Journal, University of Michigan Press, University of Minnesota Press, Zeitschrift für Nationalökonomie.*

### **Presentations:**

*U.S. Government:* Department of Justice, Federal Trade Commission, Federal Communications Commission, Congress (staff), Agency for International Development, Department of Energy, Office of Technology Assessment.

*International Government:* Australian Competition and Consumer Commission, Canadian Senate Standing Committee on Transport and Communications, Industry Canada—Competition Bureau, Costa Rica Commission for the Protection of Competition (COPROCOM), Mexico Secretariat for Communication and Transport, Mexico Competition Commission, Netherlands Embassy, New Zealand Embassy, Swedish Competition Authority (Konkurrensverket), United Kingdom Office of Fair Trading, Uzbekistan State Committee for Demonopolization and Competition.

*Professional Associations:* American Bar Association (Antitrust Section), Association of the Bar of the City of New York, American Economic Association, Association for Education in Journalism and Mass Communication, Association for Evolutionary Economics, Association for Institutional Thought, Association for Public Policy Analysis and Management, Association for Social Economics, Canadian Bar Association, Canadian Economics Association, Eastern Economic Association, Electronic Technicians Association, History of Economics Society, Industrial Organization Society, International Association of Energy Economists, International Network for Economic Method, International Telecommunications Society, Society for Economic Research on Copyright Issues, Southern Economic Association, Transportation and Public Utilities Group, Vancouver Competition Policy Group.

*Institutional:* AT&T Bell Laboratories, Brookings Institution, C. D. Howe Institute (Canada), Economists Inc., eSapience, Freedom Forum Media Studies Center, Institute for Policy Analysis (Australia) International Communications Forecasting Conference, Mansfield Center for Pacific Affairs, MGF Webb (New Zealand), National Economists Club, National Research Council, Phoenix Center for Advanced Legal and Economic Policy Studies, Resources for the Future, Technology Policy Institute, Telecommunications Policy Research Conferences, TransAlta Corporation (Canada), World Bank.

*Academic:* Carleton University (Department of Economics), City University of New York (Baruch College School of Public Affairs), Columbia University (Institute for Tele-Information), Curtin Graduate School of Business (Centre for Research in Applied Economics, Department of Economics and Finance, School of Public Policy), Deutsche Hochschule für Verwaltungswissenschaften Speyer (German University of Administrative Sciences-Speyer), Ecole Normale Supérieure (Paris School of Economics), George Mason University (Center for Public Choice, Law School, School of Public Policy, Learning in Retirement Institute), George Washington University (School of Law, Department of Economics), Georgetown University (Law School, Public Policy Institute), Harvard University (John F. Kennedy School of Government, Harvard Law School), Johns Hopkins University (Nitze School of Advanced International Studies, Center for Population Studies), Louisiana State University, Michigan State University (Institute for Public Utilities), Middle Tennessee State University, Northwestern University (Department of Communication Studies, Annenberg Washington Program), Oberlin College, Penn State (College of Earth and Mineral Sciences), Rutgers University (Advanced Workshops in Regulation and Public Utility Economics), University of Alberta (School of Business), University of Auckland (School of Business), University of British Columbia (Sauder School of Business), University of Calgary

(Van Horne Institute, Department of Economics), University of California-Berkeley (UC Energy Institute), University of California-Davis (Institute of Government Affairs), University of Delaware (Center for the Study of Values), University of Maryland Baltimore County, University of Maryland-College Park, University of Maryland School of Law, University of Pennsylvania (Department of Economics, Annenberg School for Communication, Law School), University of Southern California (Annenberg School for Communication), University of Texas (Department of Economics), Vanderbilt University (Owen School of Business, Department of Economics), Virginia Polytechnic Institute, West Virginia University.

**Consultancies:**

World Bank  
 International Law Institute  
 Competition Bureau, Industry Canada  
 Energy Information Administration, U.S. Department of Energy  
 Criterion Economics  
 Environmental Law Institute  
 ERS Group  
 Brattle Group

**Other Professional Activities:**

Keynote Speaker, Australian Competition and Consumer Commission 10<sup>th</sup> Regulatory Conference, Surfer's Paradise, Queensland, Australia (July 30, 2009).

Visiting Fellow, School of Economics and Finance, Curtin Business School, Perth, WA, Australia (July 20-25, 2009).

Panelist, "Climate Change, Cap-and-Trade, Renewable Electricity and Efficiency Mandates: How Do They Fit Together?" Technology Policy Institute, Rayburn House Office Building, Washington, DC (June 12, 2009).

Member, Maryland Comprehensive Energy Plan Advisory Committee, 2009.

Panelist, "Economic Standards for Considering Abuse of Dominance: Canadian and U.S. Perspectives," Canadian Bar Association, National Competition Law Section, Economics Committee and American Bar Association, Section of Antitrust Law, Economics Committee and International Committee (via teleconference, May 27, 2009).

Interview, Congressional Quarterly, antitrust policy and removing immunity for freight rail (May 27, 2009).

Featured Interview, Maryland electricity policy, Maryland Commons, [http://marylandcommons.com/editions/21/content\\_items/95](http://marylandcommons.com/editions/21/content_items/95), (May 4, 2009).

Interviewed re President Obama's Address to the Joint Session of Congress regarding energy policy, Greenwire (Feb. 24, 2009).

Discussant, FTC Hearings on Resale Price Maintenance, Federal Trade Commission, Washington, DC (Feb. 19, 2009).

Interviewed re purchase of Constellation Energy, WYPR radio (Sep. 23, 2008).

Chair, Panel on Current Issues in Canadian Competition Policy, Phelps Centre for the Study of Government and Business (University of British Columbia), Canadian Economics Association, Vancouver, British Columbia (Jun. 6, 2008).

Moderator, "Curbing Electricity Demand: Who, How and Why," First Wednesday Seminar, Resources for the Future, Washington, D.C. (Apr. 9, 2008).

Expert Reviewer, "Federal Financial Interventions and Subsidies in Energy Markets 2007," Energy Information Administration, U.S. Department of Energy (Feb. 2008).

- Member, Working Group, Demand-Side Management Cost Benefit Analysis, Maryland Public Service Commission (Jan. 2008).
- Panelist, Electricity Stakeholders Outreach Meeting, Maryland Energy Administration, State House, Annapolis, MD (Sep. 5, 2007).
- Interviewee, “Greater Baltimore Committee: Issues and Answers,” Comcast News Channel (July 29, 2007).
- Panelist, Maryland Energy Summit, State Senate Office Building, Annapolis, MD (July 25, 2007).
- Panelist, “Can Antitrust Be Forward Looking?” Federal Trade Commission, Washington, DC, May 24, 2007.
- Panelist, “Predatory Buying,” U.S. Department of Justice and Federal Trade Commission Joint Hearings on Section 2 Single Firm Conduct, Washington, DC, June 22, 2006.
- Panelist, “Holistic Approaches to Competition Enforcement,” United Kingdom Office of Fair Trading, London, England, June 20, 2006.
- Consultant, Telecommunications Policy Rule and Local Regulatory Forbearance, Competition Bureau, Industry Canada, Gatineau, Quebec, 2005.
- Invited Participant, “The Theoretical and Empirical Analysis of Bundling,” George Mason University School of Law, May 20, 2005.
- Regulatory Expert on Natural Monopolies and Telecommunications, Technical Assistance to the Republic of Uzbekistan for Institutional Strengthening of the State Committee on Demonopolization and Competition Development, International Law Institute, 2004-05.
- Chair, Antitrust Enforcement Panel, International Industrial Organization Conference, Atlanta, GA, Apr. 9, 2005.
- Chair, Telecommunications Policy Panel, International Industrial Organization Conference, Chicago, IL, Apr. 24, 2004.
- Participant, “Electricity Workshop—Security of Supply: Operating Reserves and Capacity Markets, Transmission and Interconnection, and Demand Response,” Royal Netherlands Embassy, Washington, DC, March 9-10, 2004.
- Energy Information Administration, U.S. Department of Energy, Transmission Data Advisory Group, 2004.
- Proposal Reviewer, National Science Foundation: Programs in Economic, Ethics and Value Studies, Law and Social Policy, Human and Social Dynamics, 1992, 1996, 1999, 2000, 2004.
- Advisory Committee, Retail Electricity Deregulation Index, Center for the Advancement of Energy Markets, 2000-04.
- Interviewee, CBC Radio “Ottawa Morning,” regarding 2003 blackout, Aug. 19, 2003.
- Reviewer, Electric Power Research Institute “Framework for the Future” Report, May 2003.
- Default Electricity Provider Forum, Center for the Advancement of Energy Markets, 2002-2003.
- Chair, “O Kilowatts, Where Art Thou” Panel, Association for Public Policy Analysis and Management, Dallas, TX, Nov. 8, 2002.
- Panelist, Broadband Forum, National Telecommunications and Information Administration, U.S. Department of Commerce, Oct. 12, 2001.
- EPCOR Distinguished Lecturer, University of Alberta, Edmonton, Alberta, Oct. 4, 2001.
- McGee Lecturer in Public Policy, Vanderbilt University, March 1, 2001.
- Interviewee, *De Zeit*, Jan. 25, 2001.
- Interviewee, California electricity deregulation, TV2/Danmark, Feb. 7, 2001.

- Advisory Committee, Federal Communications Commission “Connecting the Globe” Project, 2000.
- National Association of Regulatory Utility Commissioners Uniform Business Practices Workshop, March 3-4, 2000.
- Report Reviewer, National Research Council, Board on Infrastructure and the Constructed Environment, 1999.
- Proposal Reviewer, Smith Richardson Foundation, 1998.
- Interviewee, U.S. telecommunications policy, China Television (Taiwan), Jun. 25, 1998.
- Presenter, "Overview of Electricity Competition Policy Issues," League of Women Voters, Vineyard Haven, MA, Sep. 21, 1997.
- Organizing Committee, Telecommunications Policy Research Conference, 1994-96.
- Advisor, Mexico Secretariat for Communications and Transport and Mexico Competition Commission, Mexico City, Mexico, August 29-30, 1995.
- Advisory Panel, *Wireless Technologies and the National Information Infrastructure*, Office of Technology Assessment, 1994-95.
- Advisory Panel, Rights for Electronic Access to and Delivery of Information (READI) Program, Coalition for Networked Information, 1993-95.
- Socioeconomics Grant Review Panel, Environmental Protection Agency, 1992-94.
- Advisor, Slovak Antimonopoly Office, Bratislava, Slovak Republic, July 12-13, 1993.
- Reviewer and Contributor, Office of Technology Assessment reports: *Copyright and Home Copying*, 1989; *Global Standards*, 1992.
- Panelist, *Pro & Con*, WHMM-TV, Washington, DC, Jul. 24, 1989.
- Selection Committee, Rockefeller Prize for Non-Academically Affiliated Philosophers, American Philosophical Association, 1987, Chair, 1988.
- Workshop on Ethics and Public Policy, Washington College, Summer 1980.

#### **Other Teaching Experience:**

- Lecturer on Natural Monopoly Regulation and Telecommunications Policy, State Committee on Demonopolization and Competition Development, Tashkent, Uzbekistan, Jan. 14-18, 2005.
- Lecturer, Post-Privatization: Managing the Challenge, International Law Institute, Washington, DC, Jun. 11, 2004, Oct. 14, 2005.
- Lecturer, Georgetown Public Policy Institute, Georgetown University, Nov. 2003.
- Lecturer, Microeconomics Refresher Course, World Bank, Washington, DC, 1999.
- Lecturer, Economic Regulation, Washington Campus Summer MBA Program, Georgetown University, Washington, DC, 1996.
- Lecturer, Regulatory Economics and Telecommunications Policy in Developing Market Economies, International Law Institute, Washington, DC, 1994.
- Lecturer, United States Telecommunications Training Institute, Washington, DC, 1989-94.
- Lecturer and Panelist, Annenberg Washington Program Communications Faculty Workshops, 1988-1990, 1993.
- Lecturer, Introductory and Intermediate Microeconomics for Attorneys in the Antitrust Division, U. S. Dept. of Justice, Spring 1981-Spring 1982.
- Teaching Assistant, Graduate Microeconomic Theory, University of Wisconsin, Madison, Spring, 1977 (“Excellent” rating received).
- Co-teacher, Institutional Economics, University of Wisconsin, Madison, Spring, 1977.

Leader, Seminar on Nicholas Georgescu-Roegen's *The Entropy Law and the Economic Process*, University of Wisconsin, Madison, Summer 1977.

### Other Research Experience:

Research Assistant in Education and Job Migration, Institute for Research on Poverty, University of Wisconsin, Madison, August, 1975-August, 1976.

Programmer and Research Assistant in Plasma Physics, Institute for Fluid Dynamics and Applied Mathematics, University of Maryland, College Park, October, 1970-August, 1974.

## PUBLICATIONS

### Books:

*Alternating Currents: Electricity Markets and Public Policy* (with Karen Palmer and Salvador Martinez), Washington, DC: Resources for the Future (2002).

*A Shock to the System: Restructuring America's Electricity Industry* (with Karen Palmer, Raymond Kopp, Vito Stagliano, Alan Krupnick, and Dallas Burtraw), Washington: Resources for the Future (1996).

### Monographs:

*Generating the Benefits of Competition: Challenges and Opportunities in Opening Electricity Markets*, Toronto: C. D. Howe Institute, Commentary 260 (April, 2008).

*The California Electricity Experience, 2000-2001: Education or Diversion?* Washington: Resources for the Future (2001).

### Edited Collections:

"Symposium: Recent Competition Issues in Telecommunications" *Antitrust Bulletin*, vol. 40, no. 3 (1995).

### Articles:

"Behavioral Economics and Merger Enforcement: A Speculative Guide," *Threshold: American Bar Association Mergers and Acquisitions Committee*, vol. 9, no. 2 (2009): 21-29.

"RPM as Exclusion: RPM as Exclusion: Did the U.S. Supreme Court Stumble Upon the Missing Theory of Harm?" *Antitrust Bulletin*, vol. 53, no. 4 (2008): 967-86.

"Essential Facilities and *Trinko*: Should Antitrust and Regulation Be Combined?" *Federal Communications Law Journal*, vol. 61, no. 1 (2008): 133-47.

"The Complement Market/Final Consumer Distinction: Exclusion & Predation in the U.S. Department of Justice Section 2 Report," *Global Competition Policy* (Oct. 2008, Release One): 1-12, available at <http://www.globalcompetitionpolicy.org/index.php?&id=1408&action=907>.

"*FTC v. Whole Foods*: Which Standards; Which Substitutes," *Global Competition Policy* (September 2008, Release One): 1-11, available at <http://www.globalcompetitionpolicy.org/index.php?&id=1373&action=907>.

"Conspiracy in Industry or Conspiracy in Academe? A Review of Yoshiro Miwa and J. Mark Ramseyer's *The Fable of the Keiretsu: Urban Legends of the Japanese Economy*," *International Journal of the Economics of Business*, vol. 15, no. 2 (2008): 265-78.

"Applying "Merger Guidelines" Market Definition to (De)Regulatory Policy: Pros and Cons," *Telecommunications Policy*, vol. 32, no. 6 (2008): 388-398; doi: 10.1016/j.telpol.2008.04.003.

"Skating Toward Deregulation: Canadian Developments," *Federal Communications Law Journal*, vol. 60, n. 2 (2008): 325-57.

- “Bundled Rebates as Exclusion Rather Than Predation,” *Journal of Competition Law and Economics*, vol. 4: (2008): 335-374; doi: 10.1093/joclec/nhn001.
- “2006 in Competition Policy and Enforcement: An Economic Perspective” (with Alan Gundersen), *Canadian Competition Record*, vol. 22, no. 4 (Summer 2007): 67-93.
- “Consumer Preference Not to Choose: Methodological and Policy Implications,” *Energy Policy*, vol. 35 (2007): 1616-27.
- “Alleged Transmission Inadequacy: Is Restructuring the Cure or the Cause?” *Electricity Journal*, vol. 19, no. 4 (May 2006): 42-51.
- “Green Preferences as Regulatory Policy Instrument,” *Ecological Economics*, vol. 56, no. 1 (2006): 144-54.
- “Political Economy and the Efficiency of Compensation for Takings” (with James Boyd), *Contemporary Economic Policy*, vol. 24, no. 1 (2006): 188-202.
- “*Trinko* v. Baxter: The Demise of *U.S. v. AT&T*,” *Antitrust Bulletin*, vol. 50, no. 4 (2005): 635-64.
- “Should the Flamingo Fly? Using Competition Law to Limit the Scope of Postal Monopolies,” *Antitrust Bulletin*, vol. 50, no. 1 (2005): 197-221.
- “Vertical Market Power’ as Oxymoron: Horizontal Approaches to Vertical Antitrust,” *George Mason Law Review*, vol. 12, no. 4 (2004): 895-922.
- “Market Failures in Real-Time Metering,” *Journal of Regulatory Economics*, vol. 26, no. 2 (2004): 119-39.
- “The Legacy of *U.S. v. Microsoft*,” *Regulation*, vol. 26, no. 4 (Winter 2004): 22-28.
- “Electricity Capacity Requirements: Who Pays?” *Electricity Journal*, vol. 16, no. 8 (Oct. 2003): 11-22.
- “Mismeasuring Electricity Market Power,” *Regulation* 25 (Spring 2003): 60-65.
- “Do Easy Cases Make Bad Law? Antitrust Innovation or Missed Opportunities in *U.S. v. Microsoft*,” *George Washington Law Review*, vol. 69 (2001): 1042-1102.
- “Implementing Electricity Restructuring: Policies, Potholes, and Prospects” (with Karen Palmer and Salvador Martinez), *Environmental and Resource Economics*, vol. 22 (2002): 99-132.
- “The California Crisis: Questioning The Conventional ‘Wisdom’,” *Regulation* 24 (Fall 2001): 63-69.
- “Drawing Lessons from the California Power Crisis,” *Resources* no. 144 (Summer 2001): 8-12.
- “Vertical Excuses for Horizontal Practices: Should There Be Any *Per Se* Rules?” *Antitrust Bulletin*, vol. 45 (2000): 467-490.
- “Programmi DSM e concorrenza elettrica negli Stati Uniti (DSM programs and electricity competition in the Unites States),” *Energia*, vol. 21, no. 1 (2000): 32-42.
- “The Spectrum as the Commons: Today’s Vision, Not Tomorrow’s Prescription,” *Journal of Law and Economics*, vol. 41 (1998): 791-803.
- “Industry Parallel Interconnection Agreements,” *Information Economics and Policy*, vol. 9 (1997): 133-149.
- “Technology and Coordination: Antitrust Implications of Remote Sensing Satellites,” (with Molly Macauley), *Antitrust Bulletin*, vol. 42 (1997): 477-502.
- “Stranded Costs, Takings, and the Law and Economics of Implicit Contracts,” (with James Boyd), *Journal of Regulatory Economics*, vol. 11 (1997): 41-54.
- “Making Sense of the Telecommunications Act of 1996,” *Industrial and Corporate Change*, vol. 5 (1996): 941-61.



- “Methodology—Abstract Philosophy or Criticism of Diminishing Returns,” *Research in the History of Economic Thought and Methodology*, vol. 14 (1996): 329–42.
- “Is Cost-of-Service Regulation Worth The Cost?” *International Journal of the Economics of Business*, vol. 3, no. 1 (1996): 25–42.
- “Remote Sensing Satellites and Privacy: A Framework for Policy Assessment” (with Molly Macauley), *Journal of Law, Computers, and Artificial Intelligence*, vol. 4, no. 3 (1995): 233–48.
- “Does the Theory Behind *U.S. v. AT&T* Still Apply Today?” *Antitrust Bulletin*, vol. 40, no. 3 (1995): 455–82, reprinted in Brock, Gerald and Gregory Rosston (ed.), *The Internet and Telecommunications Policy: Selected Papers from the 1995 Telecommunications Policy Research Conference* (New York: Lawrence Erlbaum, 1996).
- “Markets, Information, and Benevolence,” *Economics and Philosophy*, vol. 10, no. 2 (1994): 151–68.
- “Talking to One’s Selves: The Social Science of Jon Elster,” *Journal of Communication*, vol. 44, no. 1 (1994): 73–81.
- “Economic Theory in Industrial Policy: Lessons From *U.S. v. AT&T*,” *Research in the History of Economic Thought and Methodology*, vol. 11 (1994): 49–72.
- “Comparing the Costs and Benefits of Diversification by Regulated Firms” (with Karen Palmer), *Journal of Regulatory Economics*, vol. 6, no. 2 (1994): 115–36.
- “Copyright, Property, and the Right to Deny,” *Chicago-Kent Law Review*, vol. 68, no. 2 (1993): 675–714.
- “The Futility of Multiple Utility,” *Economics and Philosophy*, vol. 9, no. 1 (1993): 155–64.
- “Content, Controversy, and Control: Politics and the Evolution of Antitrust Enforcement,” *Law and Policy*, vol. 14, no. 1 (1992): 107–22.
- “Refusing to Cooperate with Competitors: A Theory of Boycotts,” *Journal of Law and Economics*, vol. 35, no. 2 (1992): 247–64.
- “Integrating Communications Theory into Media Policy: An Economic Perspective,” *Telecommunications Policy*, vol. 16, no. 6 (1992): 460–74 (nominated for the Donald McGannon Communication Research Center 1993 Communication Policy Research Award).
- “Rational Ignorance: The Strategic Economics of Military Censorship,” *Southern Economic Journal*, vol. 58, no. 4 (1992): 966–74.
- “Depreciation, Investor Compensation, and Welfare under Rate-of-Return Regulation,” *Review of Industrial Organization*, vol. 6, no. 1 (1991): 73–87.
- “Voluntary Exchange and Economic Claims,” *Research in the History of Economic Thought and Methodology*, vol. 7 (1990): 105–24.
- “Vertical Integration, Monopoly, and the First Amendment,” *Journal of Media Economics*, vol. 3, no. 1 (1990): 57–76.
- “Cross-Subsidization and Cost Misallocation by Regulated Monopolists,” *Journal of Regulatory Economics*, vol. 2, no. 1 (1990): 37–51.
- “Understanding ‘Raising Rivals’ Costs’: Reply,” *Antitrust Bulletin*, vol. 34, no. 4 (1989): 909–18.
- “A Methodological Assessment of Multiple Utility Frameworks,” *Economics and Philosophy*, vol. 5, no. 2 (1989): 189–208, reprinted in Caldwell, Bruce (ed.), *The Philosophy and Methodology of Economics* (Aldershot: Edward Elgar, 1993): vol. 1, 405–24.
- “The ‘Fairness Doctrine’ as Public Policy,” *Journal of Broadcasting and Electronic Media*, vol. 33, no. 4 (1989): 419–40.

- “Exclusive Dealing, Limiting Outside Activity, and Conflict of Interest,” *Southern Economic Journal*, vol. 56, no. 2 (1989): 323-35.
- “Divestiture Policy Considerations in an Information Services World,” *Telecommunications Policy*, vol. 13, no. 3 (1989): 243-54.
- “Regulating by ‘Capping’ Prices,” *Journal of Regulatory Economics*, vol. 1, no. 2 (1989): 133-47, reprinted in Einhorn, Michael (ed.), *Price Caps and Incentive Regulation in Telecommunications* (Norwell, MA: Kluwer Academic Press, 1991): 33-45.
- “Exclusive Dealing in General Business Practice,” *Journal of Business Strategies*, vol. 5, no. 2 (1988): 53-60.
- “Understanding Raising Rivals’ Costs,” *Antitrust Bulletin*, vol. 33, no. 1 (1988): 95-113.
- “An Economic Look at Taxing Home Audio Taping” *Journal of Broadcasting and Electronic Media*, vol. 32, no. 1 (1988): 89-103.
- “Rights, Market Failure, and Rent Control: A Comment on Radin,” *Philosophy and Public Affairs*, vol. 17, no. 1 (1988): 66-79.
- “Academic Disciplines and Representative Advocacy,” *Business and Professional Ethics Journal*, vol. 6, no. 1 (1987): 32-55.
- “Why Regulated Firms Should Be Kept Out Of Unregulated Markets: Understanding the Divestiture in *U.S. v. AT&T*,” *Antitrust Bulletin*, vol. 32, no. 3 (1987): 741-93.
- “Joint Production and Monopoly Extension Through ‘Tying’” (with Sheldon Kimmel), *Southern Economic Journal*, vol. 53, no. 2 (1986): 490-501.
- “Harper & Row v. *The Nation*: Copyrightability and Fair Use,” *Journal of the Copyright Society of the U.S.A.*, vol. 33, no. 4 (1986): 368-89.
- “Is Economics Methodologically Special?” *Research in the History of Economic Thought and Methodology*, vol. 2 (1984): 127-40.
- “Local Government Action and Antitrust Policy: An Economic Analysis,” *Fordham Urban Law Journal*, vol. 12, no. 3 (1984): 405-36.
- “Economic Efficiency and Broadcast Content Regulation,” *Federal Communications Law Journal*, vol. 35, no. 2 (1983): 117-38.
- “Mistaken Elasticities and Misleading Rules,” *Harvard Law Review*, vol. 95, no. 8 (1982): 1849-56, excerpted in Calvani, Terry, and John Siegfried (eds.), *Economic Analysis and Antitrust Law* (Boston: Little Brown, 1988): 118-22.
- “Explanation and Value in Economics,” *Journal of Economic Issues*, vol. 13, no. 4 (1979): 911-32.

### Chapters in Books:

- “Commentary: Bright Lines and Cautionary Notes,” in Boyer, Marcel, David Faver and Michael Trebilcock, *Competition Policy and Intellectual Property* (Toronto: Irwin Law, 2009): 226-45.
- “Should Innovation Rationalize Supra-Competitive Prices? A Skeptical Speculation,” in Fredenberg, Arvid (ed.), *The Pros and Cons of High Prices* (Stockholm: Konkurrensverket/Swedish Competition Authority, 2007): 88-127.
- “Saving Section 2: Reframing U.S. Monopolization Law,” in Ghosal, Vivek and Johan Stennek (eds.), *The Political Economy of Antitrust* (Amsterdam: North-Holland, 2007): 417-51.
- “Preventing Monopoly or Discouraging Competition? The Perils of Price-Cost Tests for Market Power in Electricity,” in Kleit, Andrew N. (ed.), *Electric Choices: Deregulation and the Future of Electric Power* (Lanham, MD: Rowman and Littlefield, 2006): 163-79.

- “Fair Use as Policy Instrument,” in Gordon, Wendy, Lisa Takeyama and Ruth Towse (eds.), *Developments in the Economics of Copyright: Research and Analysis* (Northampton, MA: Edward Elgar, 2005): 80-102.
- “Making Electricity Markets Competitive: How Fast and By Whom,” in Portney, Paul and Richard Morgenstern (eds.), *New Approaches on Energy and the Environment: Policy Advice for the President* (Washington: Resources for the Future, 2004): 38-43.
- “Regulation and Competition as Complements,” in Crew, Michael and Menahem Spiegel (eds.), *Obtaining the Best from Regulation and Competition* (Norwell, MA: Kluwer Academic Press, 2004): 1-20.
- “Opening Electricity Markets: Lessons from the U.S. Experience,” in Bohne, Eberhard (ed.), *Neubestimmung staatlicher Aufgaben im Stromhandel (Redefining the role of government in electricity trading)* (Berlin: Duncker & Humblot, 2003).
- “The FCC and Policy Federalism: Broadband Internet Access Regulation,” in Madden, Gary and Scott Savage (eds.), *International Handbook of Telecommunications Economics, Volume III* (Northampton, MA: Edward Elgar, 2003): 173-99.
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- “Regulation and Competition as Complements,” Center for Research in Regulated Industries, Rutgers University, Newark, NJ (Oct. 24, 2003); Rutgers University Center For Research in Regulated Industries, 23<sup>rd</sup> Conference in Advanced Regulatory Economics, Skytop, PA (May 19, 2004).

- “Electricity Markets: What Makes Them So Difficult?” National Economists Club, Washington, DC (Sep. 25, 2003).
- “Understanding Capacity Requirements,” Rutgers University Center For Research in Regulated Industries, 16<sup>th</sup> Western Conference in Advanced Regulatory Economics, San Diego, CA (June 27, 2003).
- “Fair Use as Policy Instrument,” Society for Economic Research on Copyright Issues, Annual Congress, Northampton, MA (June 19, 2003).
- “Mismeasuring Electricity Market Power: The Perils of Price-Cost Margins,” Rutgers University Center For Research in Regulated Industries, 22<sup>nd</sup> Conference in Advanced Regulatory Economics, Skytop, PA (May 21, 2003); School of Business, University of Alberta, Edmonton, Alberta (Oct. 10, 2003); International Industrial Organization Society Conference, Chicago, IL (Apr. 24, 2004); Economic Analysis Group, Antitrust Division, U.S. Department of Justice, Washington, DC (May 4, 2004).
- Panelist, “U.S. v. Microsoft, Where Do We Go From Here?” International Industrial Organization Society Conference, Boston, MA (Apr. 5, 2003).
- “Inherently Inalienable: The Normative Role of Rights in Social Policy,” Association for Social Economics, New York, NY (Feb. 22, 2003).
- “Political Economy and the Efficiency of Compensation for Regulatory Takings,” Eastern Economic Association, New York, NY (Feb. 21, 2003); Association for Public Policy Analysis and Management, Washington, DC (Nov. 8, 2003); Department of Economics, University of Auckland, Auckland, NZ (Mar. 21, 2005).
- “State and Federal Roles in Facilitating Retail Electricity Competition,” Regional Transmission Organizations: Restructuring Electricity Transmission, Van Horne Institute, Center for Regulatory Affairs and Canadian Institute of Resources Law, University of Calgary, Calgary, Alberta (Sep. 27, 2002).
- “Opening Electricity Markets: Lessons from the U.S. Experience,” Symposium on Power Trading and the Role of Government, Deutsche Hochschule für Verwaltungswissenschaften Speyer (German University of Administrative Sciences-Speyer), Speyer, Germany (Jun. 25, 2002); Institute for Policy Studies, Johns Hopkins University (Oct. 7, 2002).
- “Market Failures in Real-Time Metering: A Theoretical Look,” Rutgers University Center For Research in Regulated Industries, 15<sup>th</sup> Western Conference in Advanced Regulatory Economics, South Lake Tahoe, CA (June 20, 2002).
- “Challenges in Deregulating Electricity: Drawing the Right Lessons from California,” EPCOR Distinguished Lecture, Center for Applied Business Research in Energy and the Environment, School of Business, University of Alberta, Edmonton, Alberta (Oct. 4, 2001); Department of Economics and Faculty of Social Science, University of Calgary, Calgary, Alberta (Mar. 1, 2002); Symposium: Is Government Zapping Our Energy? William-Smith Lectures on Private Enterprise and Democracy, Oberlin College, Oberlin, OH (Mar. 9, 2002); Annual Energy Outlook/National Energy Modeling System Conference, Energy Information Administration, U.S. Department of Energy, Crystal City, VA (Mar. 12, 2002); Nitze School of Advanced International Studies, Johns Hopkins University, Washington, DC (Mar. 13, 2002).
- “Vertical Market Power’ As Oxymoron: Getting Convergence Mergers Right,” Rutgers University Center For Research in Regulated Industries, 14<sup>th</sup> Western Conference in Advanced Regulatory Economics, San Diego, CA (June 28, 2001).
- “To Squeeze or Not To Squeeze: Why Put Vertical Claims Into Horizontal Boxes,” for panel on “Raising Rivals’ Costs: Should the Government Be Concerned?” Association for the Bar of

the City of New York, New York, NY (Apr. 19, 2001); Competition Bureau, Industry Canada, Hull, Quebec (Dec. 6, 2001).

“Correcting Abuses of Dominance: Controlling Conduct and Altering Structure,” principal speaker, “Symposium: Pyrrhic Victories: Reexamining the Effectiveness of Antitrust Remedies,” George Washington University School of Law, Washington, DC (Mar. 23, 2001).

“U.S. Electricity Competition, 2000-01: Background and Lessons,” Efficiency and Fairness in the Competitive Economy, Mansfield Center for Pacific Affairs, Washington, DC (Mar. 19, 2001); Learning in Retirement Institute, George Mason University, Fairfax, VA (Apr. 24, 2001), U.S.-Asia Environmental Partnership, Washington, DC (Sep. 26, 2001).

“The California Electricity Experience, 2000-01: Education or Diversion?” McGee Lecture in Public Policy, Owen School of Business, Vanderbilt University, Nashville, TN (Mar. 1, 2001); Rutgers University Center For Research in Regulated Industries, 20<sup>th</sup> Annual Conference in Advanced Regulatory Economics, Tamiment, PA (May 24, 2001).

“Implementing Electricity Competition: What Can We Learn From California?” School of Public Affairs, Baruch College, New York, NY (Feb. 9, 2001).

#### 1996 – 2000:

“Economists, Economics, and Jurisprudence: Notes on *Browner v. American Trucking Association*,” Resources for the Future, Washington, DC (Nov. 28, 2000).

“Traditional Policy Analysis and the New Economy,” Association for Public Policy Analysis and Management, Seattle, WA (Nov. 2, 2000).

“Implementing Electricity Restructuring: Background, Issues, Controversies, and Assessment,” Department of Energy, Environmental, and Mineral Economics, Penn State University, University Park, PA (Oct. 27, 2000).

“Convergence Mergers as Horizontal Mergers: Why and How,” Department of Energy, Energy Information Administration, Washington DC (Oct. 24, 2000).

“Policy Federalism and Regulating Broadband Internet Access,” Rutgers University Center For Research in Regulated Industries, 13<sup>th</sup> Western Conference, Monterey, CA (July 7, 2000); International Communications Forecasting Conference, Seattle, WA (Sep. 28, 2000).

“Green Preferences as Environmental Policy,” Rutgers University Center for Research in Regulated Industries, 19<sup>th</sup> Eastern Conference, Bolton Landing, NY (May 25, 2000); Eastern Economic Association, New York, NY (Mar. 4, 2005).

“Do Easy Cases Make Bad Law? Antitrust Innovation or Missed Opportunities in *U.S. v. Microsoft*,” Northwestern University, Evanston, IL (Mar. 9, 2000); University of Maryland Baltimore County (April 18, 2000); Energy Information Administration, U.S. Department of Energy, Washington, DC (May 9, 2000); Economists, Inc., Washington, DC (July 25, 2000); International Association of Energy Economists, Library of Congress, Washington, DC (Sep. 15, 2000); Federal Communications Commission, Washington, DC (Oct. 4, 2000); Public Policy Workshop, George Washington University, Washington, DC (Oct. 18, 2000); Resources for the Future, Washington, DC (Feb. 7, 2001); American Bar Association Antitrust Section, Economics and Computer Industry Committees, Washington, DC (Feb. 21, 2001); Department of Economics, Vanderbilt University, Nashville, TN (Mar. 2, 2001); Department of Economics, West Virginia University, Morgantown, WV (Apr. 6, 2001); Learning in Retirement Institute, George Mason University, Fairfax, VA (Sep. 25, 2001); School of Business, University of Alberta, Edmonton, Alberta (Oct. 5, 2001); School of Public Affairs, Baruch College, New York, NY (Nov. 9, 2001); Competition Bureau, Industry Canada, Hull, Quebec (Dec. 7, 2001).

“Implementing Electricity Competition: Policy Problems to Solve,” Efficiency and Fairness in the Competitive Economy Program, Mansfield Center for Pacific Affairs, Brookings Institution,

- Washington, DC (Mar. 7, 2000), Bonneville Power Administration Washington Program, Resources for the Future, Washington DC (Jun. 19, 2000).
- “Antitrust Policy: Theoretical Advances and Policy Cycles,” World Bank, Washington, DC (Nov. 17, 1999).
- “Price Regulation and Privatization: The Case of Chile,” World Bank, Washington, DC (Nov. 12, 1999).
- “Price Regulation: Received Insights and Recent Advances,” World Bank, Washington, DC (Nov. 12, 1999)
- “Why is Electricity Competition So Thorny?” George Mason University (Oct. 25, 1999); Resources for the Future, Washington, DC (July 28, 1999).
- “Updating *A Shock To The System*: New Developments in Electricity Restructuring,” Energy Information Administration, Department of Energy, Washington, DC (July 13, 1999); Resources for the Future, Washington, DC (May 10, 1999).
- “Do Lower Prices for Polluting Goods Make Environmental Externalities Worse?” Rutgers University Center For Research in Regulated Industries, 12<sup>th</sup> Western Conference, San Diego, CA (July 8, 1999).
- “Current Controversies: The Who, What, When and Why of Electricity Restructuring,” Middle Tennessee State University, Electricity Deregulation Symposium, Murfreesboro, TN (Mar. 30, 1999).
- “Vertical Excuses for Horizontal Practices: Should There Be Any *Per Se* Antitrust Rules?” American Economic Association Meetings, New York, NY (Jan. 5, 1999).
- “Deregulatory Policy in Telecommunications: Quandary or Oxymoron?” Cato Institute, Washington, DC (Nov. 5, 1998).
- “Promoting Telephone Competition: A Simpler Way?” School of Public Affairs, Baruch College, CUNY, New York, NY (Feb. 8, 1999); Center for the Study of Public Choice, George Mason University, Fairfax, VA (Nov. 10, 1998), Federal Communications Commission, Washington, DC (Nov. 4, 1998), 26th Telecommunications Policy Research Conference, Alexandria, VA (Oct. 4, 1998).
- “Critical Issues in Electricity Restructuring: Lessons and Policy Implications of Emerging Markets in New England and Elsewhere,” Alliance for Competitive Electricity, U.S. Capitol, Washington, DC (July 27, 1998).
- “Demand-Side Management Programs Under Retail Electricity Competition,” World Bank, Private Participation in Infrastructure Group, Washington, DC (Mar. 25, 1999); Department of Energy, Electricity Working Group, Washington, DC (Mar. 16, 1999); University of California Energy Institute, POWER Conference, Berkeley, CA (Mar. 5, 1999), Rutgers University Center For Research in Regulated Industries, 11<sup>th</sup> Western Conference, Monterey, CA (July 10, 1998).
- “Privatization Scenarios and Policy Issues,” Helium Reserve Committee, National Research Council, Washington, DC (July 6, 1998).
- “Looking Forward: The FCC and the Information Economy,” (panelist with FCC Commissioner H. Furchtgott-Roth and P. Pitsch), Session Eight of *Regulation: Principles, Practice, and Opportunities for Reform*, George Mason University, Longworth House Office Building, Washington, DC (Jun. 19, 1998). Transcript available at <http://www.gmu.edu/jbc>.
- “The Clinton Administration’s Competitive Electricity Competition Plan,” University of Calgary, Calgary, Alberta, Canada (May 8, 1998).
- “Electricity: The Big Policy Shifts,” Knight Center for Specialized Journalism, University of Maryland, College Park, MD (Feb. 16, 1998).

- “Executive Branch Electricity Policy Issues,” Resources for the Future, Washington, DC (Oct. 30, 1997)
- “Lessons of Governance Learned at the Council of Economic Advisers,” Department of Economics, University of Calgary, Calgary, Alberta, Canada (May 8, 1998); Center for Public Choice, George Mason University, Fairfax, VA (Oct. 28, 1997); Department of Economics, University of Maryland Baltimore County, Catonsville, MD (Oct. 6, 1997).
- “Antitrust and Regulation: The Interface in U.S. Telecommunications,” International Telecommunications Society, Calgary, Alberta (Jun. 16, 1997).
- “The Stranded Cost Debate in U.S. Electricity Deregulation,” Van Horne Institute, Calgary, Alberta (Jun. 13, 1997).
- “Electricity Restructuring and the U.S. Antitrust Laws,” TransAlta Corporation, Calgary, Alberta (Jun. 13, 1997).
- “Innovation Data for Public Policy,” National Research Council Workshop on Industrial Research and Innovation Indicators for Public Policy, National Academy of Sciences, Washington, DC (Feb. 28, 1997).
- “RBOC Entry into Long Distance Markets: Questions to Resolve,” Federal Communications Commission, Washington, DC (July 23, 1996).
- “A Philosophical Assessment of ‘Law and Economics’: Policy Norms and Judicial Contexts,” Fünftes Travemünder Symposium zur Ökonomischen Analyse des Rechts, Travemünde, Germany (Mar. 30, 1996).
- “The Information Infrastructure Task Force White Paper: An Economic Perspective,” Conference on Property and Commons in the Age of Information, Virginia Polytechnic Institute, Blacksburg, VA (Mar. 16, 1996).
- “Technology and Coordination: Antitrust Implications of Remote Sensing Satellites,” Symposium: High Technology, Antitrust, and the Regulation of Competition, Harvard Law School, Cambridge, MA (Mar. 9, 1996).
- 1990 – 1995:**
- “Regulated Firms in Unregulated Markets,” before Canadian Senate Standing Committee on Transport and Communications, Washington, DC (Nov. 15, 1995).
- “What’s ‘New’ In Industrial Organization?” U.S. Agency for International Development, Annapolis, MD (Sep. 14, 1995).
- “ACCORD: An Internet Testbed Community for Coordinating Digital Technology and Academic Resource Development” (with Mary Keeler), Interoperability and the Economics of Information Infrastructure Workshop, Freedom Forum, Rosslyn, VA (Jul. 6, 1995).
- “Compensation for Regulation: Efficiency, Political Economy, and Equity in the Law,” (with James Boyd), 11<sup>th</sup> Annual AERE Workshop, Annapolis, MD (Jun. 5, 1995); Center for Public Choice, George Mason University (Sept. 26, 1995); Department of Economics, Louisiana State University (Nov. 3, 1995).
- “From Here to Eternity or Gone With the Wind: Does the Theory Behind U.S. v. AT&T Still Apply today?” 14<sup>th</sup> Annual Eastern Workshop in Advanced Regulatory Economics, Newport, RI (May 26, 1995); Association for Education in Journalism and Mass Communications, Washington, DC (Aug. 9, 1995), Telecommunications Policy Research Conference, Solomon’s Island, MD (Oct. 1, 1995); Industry Canada-Competition Bureau, Aylmer, Quebec (Nov. 17, 1995); Federal Communications Commission, Office of General Counsel-Competition Division (Nov. 29, 1995).
- “Stranded Assets,” Resources for the Future Council, Carmel, CA (Apr. 6, 1995).

- “Market Failure and Policy Failure,” Office of Technology Assessment, Washington, DC (Feb. 15, 1995).
- “The Economics of Regulation” and “*U.S. v. AT&T*,” Institutional Reform and the Informal Sector presentation to a delegation from the Russian Duma and State Committee for Anti-Monopoly Policy, Washington, DC (Sept. 1-2, 1994, Oct. 7, 1994).
- “Game Theory and the First Amendment: Strategic Implications of Freedom of the Press,” Joan Shorenstein Barone Center on the Press, Politics and Public Policy, John F. Kennedy School of Government, Harvard University, Cambridge, MA (Mar. 14<sup>th</sup>, 1994); Telecommunications Policy Research Conference, Solomon’s Island, MD (Oct. 2, 1994).
- “Two Kinds of Commensurability,” American Economic Association/Association for Social Economics, Boston, MA (Jan. 3, 1994).
- “Market Competition: An Economic Analysis,” *RBOC Regulatory Relief: Strategic Positioning for the Inevitable*, Telestrategies, Inc., Rosslyn, VA (Sept. 2<sup>nd</sup>, 1993).
- “The Economics of Regulation in Emerging Market Economies,” World Bank Economic Development Institute/US Agency for International Development Seminar on Microeconomics: Regulation, Structure, and Pricing Decisions of Natural Monopolies, Vienna, Austria (July 5, 1993).
- “Looking at Privatization,” Association of School Business Officials, Cockeysville, MD (1992).
- “Discrimination, in Theory, by Diversified Regulated Firms,” Telecommunications Policy Research Conference, Solomon’s Island, MD (1992); Southern Economic Association, New Orleans, LA (Nov. 18, 1995).
- “Comment: The Filière Électronique and Civil Society,” Columbia Institute for Tele-Information, Columbia University, New York, NY (1992).
- “First Amendment Rights and Property Rights,” Annenberg School for Communication, University of Southern California, Los Angeles, CA (Oct. 31, 1991), Telecommunications Policy Research Conference, Solomon’s Island, MD (1992).
- “Whither the Tunney Act: Remarks on Judge Greene’s Ruling to Lift the Line-of-Business Restriction on BOC Offering of Information Services,” Columbia Institute for Tele-Information, Columbia University, New York, NY (1991).
- “Markets, Information, and Virtue,” Western Social Science Association meetings, Sparks, Nevada (1991).
- “Economic Perspectives on the First Amendment,” Freedom of Expression Past, Present and Future, Marshall-Wyeth School of Law, The College of William and Mary (1991).
- “Social Moral Hazard: Technology, Paternalism, and Choice,” Department of Economics, George Mason University, Fairfax, VA (1990).
- “Rights as Inalienable,” University of Maryland School of Law, Baltimore, MD (1990); Resources for the Future, Washington, DC (1990).

### **Official Publications (Major Antitrust Division Regulatory Filings):**

#### **Before the Federal Communications Commission:**

##### **Broadcasting:**

- “Amendment of Part 76 of the Commission’s Rules Concerning Carriage of Television Broadcast Signals by Cable Television Systems,” MM Docket No. 85-349, Jan. 30, 1986.
- “Regional Concentration of Control Provisions of the Commission’s Multiple Ownership Rules,” MM Docket No. 84-19, Feb. 21, 1984.



“Multiple Ownership of AM, FM, and Television Broadcast Stations,” Gen. Docket No. 83-1009, Jan. 19, 1984 (reply comments, Feb. 21, 1984).

“Amendment of the Financial Interest and Syndication Rule,” BC Docket No. 82-345, Jan. 26, 1983 (reply comments, Apr. 26, 1983; Comments on FCC Tentative Decision, Sept. 20, 1983)—with Sheldon Kimmel.

“Amendment of the Commission’s Rules and Regulations Relative to Elimination of the Prohibition on Common Ownership of Cable Television Systems and National Television Networks,” CT Docket No. 82-434, Nov. 29, 1982.

“An Inquiry Into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System,” Docket No. 78-253, Mar. 2, 1981.

**Common Carrier:**

“Long-Run Regulation of AT&T’s Basic Domestic Interstate Services,” CC Docket No. 83-1147, Apr. 2, 1984 (reply comments, Jun. 4, 1984).

“Policy and Rules Concerning the Furnishing of Customer Premises Equipment, Enhanced Services, and Cellular Communications Services by the Bell Operating Companies,” CC Docket No. 83-115, Apr. 25, 1983.

“MTS and WATS Market Structure” (on pricing of telephone service), CC Docket No. 78-72, Aug. 6, 1982 (reply comments, Sep. 13, 1982)—with Thomas C. Spavins.

“An Inquiry into the Use of the Bands 825-845 MHz and 870-890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission’s Rules Relative to Cellular Communications Systems,” CC Docket No. 79-318, Jun. 19, 1981.

“Elimination of Telephone Company-Cable Television Cross Ownership Rules for Rural Areas,” Docket No. 80-767, Apr. 6, 1981.

**Before the Consumer Product Safety Commission:**

“Proposed Methodology for Commission Consideration of Findings Under Section 9(c) of the Consumer Product Safety Act” (on standards for product regulation), Mar. 24, 1981.

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“Domestic Crude Oil Entitlements,” Docket No. ERA-R-80-36, Dec. 30, 1980.

“Motor Gasoline Allocation Revision and Mandatory Petroleum Price Regulations, Equal Application Rule,” Docket Nos. ERA-R-80-16 and ERA-R-80-20, Sep. 10, 1980.

“Gasohol Pricing and Allocation,” Docket No. ERA-R-80-11, Jul. 21, 1980.

“Alaska North Slope Crude Oil Entitlements,” Docket No. ERA-R-80-09, Jun. 13, 1980.

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“Trans-Alaska Pipeline System,” Docket No. OR78-1:

- a. Supplemental Reply Brief of U.S. Dept. of Justice on Capital Structure, Rate of Return, Taxes, and Tariff, Jul. 9, 1979;
- b. Supplemental Initial Brief on Exceptions of U.S. Dept. of Justice on Risk, Rate of Return, Taxes, and Tariff, May 1, 1980;
- c. Supplemental Reply Brief on Exceptions of U.S. Dept. of Justice, Jun. 2, 1980.