

## ANTITRUST MODERNIZATION COMMISSION

### MINUTES OF MEETING ON MAY 9, 2005

The Antitrust Modernization Commission convened its fifth FACA meeting on May 9, 2005, in the Federal Trade Commission Conference Center, 601 New Jersey Avenue, N.W., in Washington, D.C. This meeting was announced to the public in advance through publication of a notice in the *Federal Register*. See 70 Fed. Reg. 20,734 (Apr. 21, 2005). Andrew Heimert, the Executive Director & General Counsel, served as Designated Federal Officer for the meeting. The Chair called the meeting to order at 1:05 p.m. and noted a quorum. The meeting was transcribed. Approximately 35 people were in the public audience.

#### Participating:

Deborah Garza, Chair  
Jonathan Yarowsky, Vice-Chair  
Bobby Burchfield, Commissioner  
W. Stephen Cannon, Commissioner  
Makan Delrahim, Commissioner  
Jonathan Jacobson, Commissioner  
Sanford Litvack, Commissioner  
John Shenefield, Commissioner  
John Warden, Commissioner

Andrew Heimert, Executive Director & General Counsel

#### Also present:

William Adkinson, Counsel  
Todd Anderson, Counsel  
Michael Klass, Economist  
Alan Meese, Senior Advisor  
William Kovacic, Senior Advisor  
Hiram Andrews, Law Clerk  
Kristen Gorzelany, Paralegal

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#### **I. Remarks of Chair**

The Chair offered opening remarks for the Commission meeting, in which she welcomed the public to the meeting, briefly commented on the purpose of the Commission's meeting, and outlined the meeting agenda. She introduced two additions to the Commission's staff, William E. Kovacic, as a Senior Advisor, and Kristen M. Gorzelany, as a paralegal.

## II. Discussion of Commission Study Group Study Plans

The Commission discussed each study group's study plans, containing a proposed set of questions on each group's topics for publication in the *Federal Register* and a description of hearings on the group's topics. The study plans were made available to the public in advance of the meeting on the Commission's website and were also distributed at the meeting. Each study plan was introduced by one of the coordinators on the study group, and the Commissioners were then provided with an opportunity to ask questions about the plan and engage in general discussion of the plan.

After discussion of each plan, the Commission voted unanimously by voice as follows.

**RESOLVED:** To adopt the study plan of the Enforcement Institutions Study Group, and publish the questions proposed therein, with a modification to combine the first two questions on the role of states into one question, in the *Federal Register*.

**RESOLVED:** To adopt the study plan of the Exclusionary Conduct Study Group, and publish the questions proposed therein in the *Federal Register*.

**RESOLVED:** To adopt the study plan of the Immunities and Exemptions Study Group, and publish, in the *Federal Register*, the questions proposed therein, with a modification to clarify that the Commission study will focus on certain immunities as illustrative for purposes of establishing a general framework for analysis and will not attempt to study the specific costs and benefits of individual immunities.

**RESOLVED:** To adopt the study plan of the International Study Group, and publish the questions proposed therein in the *Federal Register*.

**RESOLVED:** To adopt the study plan of the Merger Enforcement Study Group, and publish the questions proposed therein, with a modification to add an omitted word to one question, in the *Federal Register*.

**RESOLVED:** To adopt the study plan of the New Economy Study Group, and publish the questions proposed therein in the *Federal Register*.

**RESOLVED:** To adopt the study plan of the Regulated Industries Study Group, and publish, in the *Federal Register*, the questions proposed therein, adding the review of certain agreements between domestic and foreign airlines to the list of regulatory regimes on which comment is requested.

**RESOLVED:** To adopt the study plan of the Remedies Study Group, and publish the questions proposed therein in the *Federal Register*.

**RESOLVED:** To adopt the study plan of the Robinson-Patman Study Group, and publish the questions proposed therein in the *Federal Register*.

The Chair concluded with a description of the preliminary timing and number of days of hearings, as well as the timing for the submission of comments.

The meeting was adjourned at 2:18 p.m.

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I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

Deborah A. Garza  
Chair, Antitrust Modernization Commission