

ANTITRUST MODERNIZATION COMMISSION

SUPPLEMENTAL PUBLIC COMMENT SUBMITTED BY THE ATTORNEYS GENERAL OF HAWAII, MAINE, AND OREGON ON STATE MERGER ENFORCEMENT

JULY 23, 2006

A. Introduction.

The States of Hawaii, Maine, and Oregon¹ submit these supplemental comments on state merger enforcement in light of the Commission's recent deliberations on that subject.² With these comments we seek to assist the Commission, by: (1) framing the inquiry; (2) reviewing and explaining the position of the states; (3) supplementing the record with an analysis of the updated version of the National Association of Attorneys General database on state antitrust enforcement; and (4) reiterating the States' support for enhanced cooperation.

The evidence affirmatively demonstrates that the current system of merger review is working well and that no change in state merger review authority is warranted. As the Antitrust Section of the ABA stated, we are "unaware of sufficient evidence to support dramatic changes

¹ The Attorneys General of Hawaii and Oregon are Co-Chairs of the Antitrust Committee of the National Association of Attorneys General. The Attorney General of Maine testified before the Commission on state enforcement institutions and the State of Maine is the primary drafter of these supplemental comments.

² During deliberations on May 23, 2006, a significant number of Commissioners preliminarily voted to divest states of authority to engage in merger enforcement.

in the current system,” which permits states to enforce federal merger law.³ Thus, the Commission should refrain from proposing or pursuing any initiative that would impair and detract from the states’ authority under the current system of merger review. At the same time, we support continuing efforts to enhance and strengthen cooperation and coordination among the states and the federal agencies, consistent with respect for state sovereignty and the principles of federalism.

B. The AMC’s inquiry

In considering proposals to reallocate merger enforcement authority, the Commission must begin with the language of its governing statute. Congress asked the Commission to determine, as a preliminary matter, “*whether the need exists to modernize the antitrust laws.*”⁴ If “modernization” is needed in a particular area, the Commission must report its recommendations for legislative or administrative action to Congress and the President, and provide a detailed statement of the factual findings and conclusions that demonstrate the need for the proposed reform.⁵ In requiring a factual demonstration of need, Congress recognized

³ ABA Antitrust Section Comments Regarding Government Enforcement Institutions: The Enforcement Role of the States With Respect to Federal Antitrust Law in Merger Cases, at 2, available at http://amc.gov/public_studies_fr28902/enforcement_pdf/051019_ABA_Govt_Enf_States_Roles-Enf_Inst.pdf. Despite the Section’s suggestion, *id.*, the Commission has not tried to gather evidence to assess whether the need to change the system exists.

⁴ The statute that created the Commission requires that the Commission demonstrate need before it proposes a change in the current system. Public Law 107-273, § 11053(1) (“The duties of the Commission are -- to examine whether *the need exists* to modernize the antitrust laws.”) (emphasis added).

⁵ *Id.* § 11058.

that our current enforcement regime, with its moorings in constitutional federalism, has worked well, merits continued respect, and should not be lightly altered. Under that standard, state merger enforcement deserves respect and should not be altered.

C. Review and Explanation of the States' Position.

The general position taken by state attorneys general on state merger enforcement is set forth in The Principles of State Antitrust Enforcement, adopted unanimously as a resolution at the March 14-16, 2005 meeting of the National Association of Attorneys General.⁶ The resolution provided context for and was cited by the states that submitted comments to the Commission on indirect purchasers, antitrust federalism, state merger enforcement, regulated industries, and the insurance exemption.⁷

As to state merger review and enforcement, the resolution provides:

⁶ The resolution is available at:
<http://naag.org/issues/pdf/2005.Spring.Antitrust.Resolution.Final.pdf>.

⁷ Testimony of Mark J. Bennett and Ellen Cooper Concerning Indirect Purchaser Actions Before the Antitrust Modernization Commission, at 16 n. 52, available at http://amc.gov/commission_hearings/pdf/Bennett_Cooper.pdf (indirect purchasers) (NAAG Resolution attached); Comments of the Maine Attorney General in Enforcing Federal Antitrust Laws Outside the Merger Area, at 3 n.4, available at http://amc.gov/public_studies_fr28902/enforcement_pdf/050715_Rowe-Maine_AG-Enforc_Inst.pdf (antitrust federalism); Testimony of California Chief Assistant Attorney General Thomas Greene Concerning State Merger Enforcement, at 8 n.11, available at http://amc.gov/public_studies_fr28902/enforcement_pdf/050715_Greene-CA_OAG-Enforc_Inst.pdf (state merger enforcement) (“State Merger Testimony”); Testimony of Washington State Attorney General Rob McKenna Concerning Antitrust Enforcement and Regulated Industries, at 2-3, available at http://amc.gov/public_studies_fr28902/regulated_pdf/050715_McKenna-Wash._AG-Reg_Indust.pdf (regulated industries); Comments of the Office of the Attorney General of New York State in Response to the Request for Public Comment on Immunities and Exemptions, at 1 n.2, available at http://amc.gov/public_studies_fr28902/immunities_exemptions_pdf/Office_of_NY_AG_revdpdf (insurance exemption).

WHEREAS, the Attorneys General have jurisdiction to enforce antitrust provisions relevant to mergers and acquisitions, and have frequently done so; and

WHEREAS, in *California v. American Stores*, the Supreme Court held that States can obtain divestiture in merger cases; and

WHEREAS, in merger cases, the effects of consolidation in national mergers are more often felt locally than nationally and state Attorneys General are at least as knowledgeable about those effects as are the federal antitrust agencies; and

WHEREAS, State Attorneys General have often worked efficiently and productively with the federal agencies to investigate potentially anticompetitive mergers;

NOW, THEREFORE, BE IT RESOLVED THAT THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL:

1) Opposes federal preemption of any state antitrust statutes, including indirect purchaser statutes, or other limitation of state antitrust authority, as such preemption or limitation would impair enforcement of the antitrust laws, harm consumers, and harm free competition; . . .

3) Supports continuing and increased cooperation between the state Attorneys General and the Antitrust Division of the Department of Justice and the Federal Trade Commission, as such cooperation is wholly consistent with bedrock principles of federalism, and because such cooperation affirmatively promotes free competition and the interests of the citizens of each of the several states.

In short, the states have unanimously recognized the benefits of state merger

enforcement and resolved to oppose any limitation on their authority to engage in state merger enforcement under federal antitrust law or otherwise.

D. Supplementation of the Record – The NAAG database.

The record of state merger enforcement demonstrates that the states' position is well founded. Although still a work in progress, the NAAG database unveiled in March 2006 has already received recognition as the most comprehensive source of information about state

antitrust enforcement.⁸ Indeed, the Commission cannot expect to arrive at an objective, fact-based assessment of state merger enforcement without a careful and thorough review of the database.⁹

Specific facts gleaned from the database relevant to an assessment of state merger enforcement include:

1. Case volume. Over the period 1991-2005, some 120 state merger enforcement cases were filed by a total of twenty-five states. Of these, 111 resulted in consent decrees, judgments, or settlements affording substantial relief.¹⁰

2. A sustained effort. The states' merger enforcement effort has been sustained and relatively consistent over time. Thirty one cases were brought to a resolution from 1991-95, 51 from 1996-2000, and 38 more from 2001-05.¹¹ For purposes of rough comparison, DOJ workload statistics for 1996-2000 show 79 merger cases filed in federal district court; for the subsequent five-year period, DOJ's tally of district court filings was 30.¹²

⁸ That recognition is accorded by the Commission's own staff, among others. *See* Discussion Memorandum re State Enforcement Institutions at 6-7, available at http://amc.gov/pdf/meetings/EnfInst_State_DiscMemo_pub.pdf. The Discussion Memorandum cites specific state antitrust litigations to illustrate: states taking action when federal enforcers do not; states focusing on local matters; and states distributing settlement proceeds. *Id.* at 15 n.68, 22 n.113, 20 n.99.

⁹ The analysis reported here was prepared in July, 2006 by Francis Ackerman, Assistant Attorney General for the State of Maine, and Christine Ongchin, summer intern at the New York Attorney General's office. The analysis began with assembling a list of all entries that used the word "merger." The entire entry for each matter thus identified was reviewed. That review results in the tabulations that are included within Attachment A. The underlying list of state merger matters is appended as Attachment B.

¹⁰ Relief was afforded in 111 of the 120 cases. Of the remaining nine cases, five involved voluntary dismissals (*e.g.*, when a merger was abandoned, or a defendant voluntarily provided the relief sought) and four were litigation losses (*e.g.*, *United States v. Oracle*, a defeat shared by DOJ and the states). As to the nature of the relief afforded, *see* Table 9 in Attachment A.

¹¹ *See* Table 1 in Attachment A.

¹² *See* Antitrust Division, Workload Statistics, 1996-2005, available at <http://justice.gov/atr/public/workstats.htm>.

3. A broad-based program. Many states, including small states, engage in state merger enforcement. Over the fifteen-year period reviewed, 25 states -- ranging from the largest to the smallest -- filed cases alone or led/co-led multistate actions. Although most of these cases were initiated or led by larger states (90 cases, or 75%), smaller states have played an active and important part as well.¹³

4. Single & multistate cases. Most state merger cases during the fifteen-year period under review (90 or 75%) were prosecuted by a single state.¹⁴ Thirty two of those single state cases were filed in state court.¹⁵ In addition, fully half of the 30 multistate cases involved only two or three states.¹⁶

5. State & federal court filings. Seventy of the 120 state merger cases in the NAAG database, or 58%, were filed in federal court; 35, or 29%, were filed in state court. The remainder were settled out of court.¹⁷

6. The commercial & industrial context. The commercial and industrial sectors in which state merger enforcement is most active are characterized by their localized market structure.¹⁸ These sectors include health care, retail gasoline, solid waste, supermarkets, movie theaters, banking, retail pharmacy, funeral homes, department stores, and asphalt. Cases falling into these categories account for 77% of all state merger enforcement matters.

7. The federal partnership. A high percentage of state merger matters, 97 of 120 or 81%, have involved collaboration with a federal agency. DOJ has been a more frequent partner (70 cases) than the FTC (27 cases).¹⁹ Both DOJ and the FTC were more likely to join forces with a state in a federal court filing.²⁰ The information in the database suggests that the level of cooperation and coordination has varied significantly. The states are considering whether to add specifics about their interaction with federal enforcers into the database.

¹³ See Table 2 in Attachment A.

¹⁴ See Table 3 in Attachment A.

¹⁵ See Table 5 in Attachment A.

¹⁶ See Table 3 in Attachment A.

¹⁷ See Table 4 in Attachment A.

¹⁸ See Table 8 in Attachment A.

¹⁹ See Table 6 in Attachment A.

²⁰ See Table 7 in Attachment A.

This summary establishes three fundamental propositions about state merger enforcement. First, the states' record in merger enforcement is substantial and cannot be dismissed as redundant or expendable. Second, merger enforcement by state Attorneys General ordinarily focuses on local markets. Finally, both the states and the federal antitrust agencies have long and repeatedly sought to renew and enhance their collaborative relationships. Those relationships have both achieved results and demonstrated the flexibility and durability of our federal system in the context of merger enforcement.

E. The States support enhanced merger enforcement cooperation.

Finally, we support the tentative recommendation of a majority of the Commission calling for improved collaboration among state and federal antitrust enforcers. State and federal antitrust enforcers have made and will continue to make substantial efforts to coordinate their merger investigations and litigations. This coordination occurs regularly, including in merger investigations as illustrated above. As explained in the State Merger Testimony to the Commission, recent examples of collaboration in major merger matters among state and federal authorities include *Oracle*, *Arch Coal*, and *Echostar*.²¹

States have a long history of fostering and reinforcing cooperation and coordination among enforcers. The states formed the Multistate Task Force, agreed to a Merger Compact, adopted Merger Guidelines, formed the Executive Working Group on Antitrust, and entered into the Merger Protocol with the federal antitrust enforcers.²² Recently and on the states'

²¹ State Merger Testimony, *supra* n.7, at 8-10.

²² *Id.* at 6-8.

initiative, federal and state staff level antitrust enforcers began to confer during monthly State/Federal Cooperation Committee telephone calls and otherwise to address and resolve issues that arise during ongoing matters, as well as to identify procedures to use in joint investigations generally, with particular emphasis on mergers.²³ Collaboration fosters convergence on enforcement decisions, improves the effectiveness and efficiency of enforcement efforts, and lessens the burdens on the parties.

Collaboration can have significant benefits. Limited cooperation and coordination can cause confusion and waste resources. More cooperation and coordination can enrich merger analysis, by enabling enforcers to focus on both national and local competitive impacts, and can improve the quality of enforcement decisions, while lessening the burdens on the parties. Information sharing reduces the risk that enforcers will duplicate each other's efforts. Collaboration can also lessen the regulatory burden on the business community and expedite investigations and enforcement decisions on the part of all government enforcers.

To the extent that our federal system allows for policy debate and occasional disagreement between the States and the federal agencies, this should be viewed as a strength, not a weakness. In practice, such disagreements are rare. In those cases where they do arise, they tend to enhance the legitimacy of the outcome. Moreover, "[w]hile limited short-term costs and burdens may result from occasional divergence, the long-term benefit in terms of doctrinal

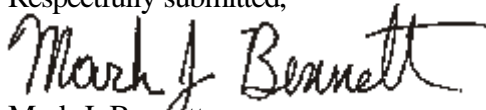
²³ *Id.* at 8.

vitality and stability is more substantial and enduring.”²⁴

F. Conclusion.

As review of the database demonstrates, the states play a substantial, appropriate, and successful role in merger enforcement within our federal system of concurrent and overlapping antitrust jurisdiction. No legislative change is warranted. Accordingly, the Commission should recommend that the current allocation of merger enforcement authority remain unchanged and that no legislative reform be considered. At the same time, the Commission could appropriately encourage the states and the federal agencies to explore new ways to enhance and expand the current pattern of successful coordination and cooperation.

Respectfully submitted,



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²⁴Supplemental Testimony of Maine Attorney General G. Steven Rowe on the Allocation of Antitrust Enforcement Between the States and the Federal Government, Dec. 8, 2005 at 9, found at www.amc.gov/Commission_hearings/pdf/Supplemental_Statement_Rowe.pdf.

**STATE MERGER CASES
CURRENTLY REFLECTED
IN NAAG DATABASE
1991 - 2005**

Table 1: Chronology

1991	1
1992	7
1993	4
1994	7
1995	12
1996	12
1997	13
1998	6
1999	9
2000	11
2001	5
2002	9
2003	8
2004	6
2005	10
Total	120

Table 2: States

Table 2a: Lead States

California	17
Maine	17
Texas	10
Pennsylvania	10
Washington	8
Florida	8

New York	8
Missouri	7
Massachusetts	7
Connecticut	6
Ohio	4
Arkansas	3
Washington, D.C.	3
Utah	2
Vermont	2
Oregon	2
Illinois	2
Wisconsin	2
Colorado	1
Minnesota	1

Table 2b. Supporting Lead States

Texas	6
Pennsylvania	4
New York	4
Ohio	3
Massachusetts	3
Oregon	3
Missouri	2
New Mexico	2
Washington	2
Rhode Island	1
Maryland	1
Vermont	1
Utah	1
Nevada	1
New Jersey	1

California	1
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Table 2c. Joining States

Washington	7
Massachusetts	7
Oregon	6
Connecticut	6
Illinois	5
Rhode Island	4
Texas	4
Iowa	4
Idaho	4
Hawaii	4
California	3
Colorado	3
Wisconsin	3
Maine	3
Vermont	3
Pennsylvania	3
Maryland	3
New York	3
New Hampshire	3
Florida	2
Kentucky	2
Arkansas	2
Nevada	2
Arizona	2
Washington D.C.	2
Utah	2
Mississippi	1
Missouri	1

New Mexico	1
Delaware	1
Kansas	1
North Carolina	1
Montana	1
Minnesota	1
Virginia	1
Louisiana	1
North Dakota	1
Michigan	1
Arkansas	1

Table 3. Single State Cases vs. Multistate Cases

Single state	90
Multistate	30

Two states	8
Three states	7
Five states	2
Six states	5
Seven states	2
Eight states	1
Eleven states	1
Twelve states	1
Thirteen states	1
Sixteen states	1
Seventeen states	1

Table 4. Federal v. State Court Filings

Federal court	70
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State court	35
Out of court	15

Table 5. Single state cases and multistate cases - whether filed in state or federal court

Single state cases filed in state court	32
Single state cases filed in federal court	43
Multistate cases filed in state court	2
Multistate cases filed in federal court	27

Table 6. Role of Federal Agencies

FTC role	27
DOJ role	70

Table 7. Role of Federal Agencies in Federal Filings and in State Filings

State Filing/DOJ	19
Federal Filing/DOJ	37
State Filing/FTC	5
Federal Filing/FTC	19

Table 8. Cases by Industrial/Commercial Category

Health	24
Petrochemical	21
Solid Waste	13
Food processing/packaging	13

Banking/financial services	10
Supermarkets	10
Movie theaters	5
Retail pharmacies	3
Funeral homes	3
Asphalt	2
Skiing	2
Department stores	2
Radio stations	1
Hardware	1
Grinding balls	1
Railroads	1
Wireless telephone services	1
Software	1
Law resource publishing companies	1
Baby wipes and facial tissue	1
Coal	1
Direct broadcast satellite services	1
Graphite electrodes	1
Insurance services	1

Table 9. Types of relief secured

Monetary only	0
Injunctive/monetary	51
Divestiture/block (with above)	74
None	9

**STATE MERGER CASES DEALING WITH RETAIL AND LOCAL MARKETS:
1991-2005**

HEALTH		
California v. DaVita Inc.	2005	CA
California v. Quest Diagnostics Inc.	2003	CA
California v. Sutter Health, et al.	1999	CA
In the Matter of Addison Gilbert Hospital	1994	MA
In the Matter of Harvard Community Health Plan, Inc.	1995	MA
In the Matter of Sisters of Mercy Health System	1994	MO
Maine v. Cardiovascular & Thoracic Associates, PA	1992	ME
Maine v. Central & Western Maine Regional PHO, Inc.	1996	ME
Maine v. Maine Heart Surgical Associates	1995	ME
Maine v. Mid Coast Anesthesia	1992	ME
Merger of Leominster and Burbank Hospitals - Massachusetts	1993	MA
Minnesota v. Allina Health System	2005	MN
Ohio v. Frederick C. Smith Clinic, Inc.	1998	OH
Pennsylvania v. Altoona Hospital and Bon Secours Holy Family Regional Health System	2004	PA
Pennsylvania v. Capital Health System Services and Polyclinic Health System	1995	PA
Pennsylvania v. Children's Hospital of Pittsburgh/UPMC	2001	PA
Pennsylvania v. Conemaugh Memorial and UPMC Lee	2005	PA
Pennsylvania v. Providence Health Systems, Inc.	1994	PA
Texas v. Columbia/HCA Healthcare Corporation	1995	TX
US and Florida v. Morton Plant Health System	1994	FL
US and Texas v. Aetna, Inc. and The Prudential Insurance Company of America	2000	TX
Washington v. Providence/Everett General	1993	WA
Wisconsin v. Marshfield Clinic	1997	WI
Wisconsin v. Kenosha Hospital and Medical Center and St. Catherine's Hospital	1996	WI
PETROCHEMICAL		

Alaska v. Crowley Marine Services et al.	2005	AK
California v. Shell Oil Co.	1998	CA
California v. Valero Energy Corp.	2001	CA
California, et al. v. Chevron Corp. and Texaco, Inc.	2001	WA
California, Oregon, Washington v. BP Amoco P.L.C. and Atlantic Richfield Company	2000	CA
In the Matter of the British Petroleum Company and Amoco Corp	2000	CA
Maine v. Dead River Co. and Irving Oil Company	2003	ME
Missouri ex rel. Nixon v. Conoco, Inc.	2002	ME
New Jersey v. Exxon Corp.	2000	AK
New York v. El Paso Energy Corp.	2001	NY
Ohio v. British Petroleum et al.	1999	OH
Oregon et al. v. Valero Energy Corp.	2001	CA
Texas v. Conoco, Inc. and Phillips Petroleum Company	2002	MO
Utah v. Philips Petroleum Co. and Conoco, Inc.	2002	OR
Washington v. BP Oil Company	1992	WA
Washington v. Texaco, Inc.	1997	OR
Washington v. Tosco Corp.	1997	WA
Washington v. Texaco Refining and Marketing, Inc. and Shell Oil Company	1991	WA
SOLID WASTE		
In the Matter of Stericycle Inc. and Scherer Healthcare, Inc.	2003	CT
Maine v. Casella Waste Systems, Inc.	1999	ME
New York v. Allied Waste Industries	2000	NY
Ohio ex rel. Montgomery v. Allied Waste Industries	2000	OH
US and Florida v. Reuter Recycling of Florida Inc.	1995	FL
US and Florida v. Waste Management Inc.	2003	FL
US and Pennsylvania v. USA Waste Services, Inc.	1997	PA
US and Texas v. Allied Waste and USA Waste Services	1997	TX
US, Florida, and Maryland v. Browning-Ferris Industries, Inc.	1995	FL
US, Illinois, and Missouri v. Allied Waste Industries, Inc.	1999	IL

US v. USA Waste Services	1999	OH
US, Texas, and Pennsylvania v. USA Waste Services, Inc. and Sanifill, Inc.	1996	PA
US v. New York, Pennsylvania, and Florida v. Waste Management, Inc., Ocho Acquisition Corp., and Eastern Environmental Services, Inc.	1998	FL
FOOD PROCESSING/PACKAGING		
In re Maine Pride Salmon	1993	ME
Maine v. Bumble Bee Seafoods, LLC	2000	ME
Maine v. Cooke Aquaculture, Inc. and Horton's of Maine, Inc.	2005	ME
Maine v. Connors Bros. Limited	2002	ME
Nixon et al. v. Cargill	1997	MO
Texaco v. IBP, Inc.	2000	TX
US v. Cargill, Inc.	1997	NY
BANKING/FINANCIAL SERVICES		
In the Matter of Chittenden and Vermont National Bank	1999	VT
In the Matter of Fleet Bank and Shawmut Bank	1995	MA
In the Matter of Wells Fargo/First Interstate Bancorp Merger	1996	CA
In the Matter of Settlement Agreement with U.S. Bancorp	1995	WA
Maine v. Key Bank of Maine	1994	ME
Merger of CorestatesFinancial Corp./Meridian Banking	1996	PA
Settlement Agreement: Bank America	1992	WA
US and Florida v. Barnett Banks, Inc. and First Florida Bank, Inc.	1992	FL
US and Florida v. NationsBank, Inc. and Barnett Bank	1997	FL
US v. First Data Corporation and Concord EFS, Inc.	2003	DC
SUPERMARKET		
Alaska v. Safeway, Inc.	1999	AK
California, Nevada, New Mexico v. Albertson,'s Inc. and American Stores Company	1999	CA
California v. Quality Food Centers	1998	CA

Connecticut v. Koninklijke Ahold NV, Ahold USA, Inc. and the Stop & Shop Companies, Inc.	1996	CT
Connecticut v. Suiza Foods Corp.	2002	CT
In the Matter of Big Y Foods	2003	CT
In the Matter of Ralph's & Yucapia Co.	1994	CA
In the Matter of Schnucks Markets, Inc.	1997	MO
Massachusetts v. SSC Associates, LP and Stop & Shop Companies, Inc.	1995	MA
Massachusetts v. Suiza Foods Corp.	2002	ME
Smith Food & Drug Centers, Inc. Settlement Agreement	1996	CA
Vermont v. Suiza Foods Corp.	2002	VT
MOVIE THEATERS		
California v. Marquee Holdings, Inc.	2005	CA
District of Columbia v. Marquee Holdings Inc. and LCE Holdings Inc.	2005	DC
Maine v. Flagship Cinemas Management, Inc.	2004	ME
US v. Sony Corporation of America	1998	IL
Washington v. Marquee Holdings, Inc.	2005	WA
RETAIL PHARMACIES		
District of Columbia v. CVS Corporation et al.	2005	DC
Maine v. Rite-Aid Corp.	1995	ME
Maine v. Rite-Aid Corp./Community Pharmacy	2004	ME
FUNERAL HOMES		
In the Matter of Loewen Group	1994	MA
Maine v. Equity Corporation International	1998	ME
New York v. Service Corporation International	1999	NY
ASPHALT		
US and Connecticut v. Oldcastle Northeast	1996	CT
Utah v. Oldcastle, Inc.	2002	UT

SKIING		
Maine v. American Skiing Co./Sunday River	1996	ME
US and Colorado v. Vail Resorts	1997	CO
DEPARTMENT STORES		
The Bon-Ton Stores, Inc. v. The May Department Stores Co.	1995	NY
New York et al. v. Federated Department Stores	2005	NY
RADIO STATIONS		
US and NY v. American Radio Systems, Co.	1996	NY
RAILROAD		
Union Pacific Corporation, Union Pacific Railroad Co., and Missouri Pacific Railroad Co. - Control and Merger - Southern Pacific Rail Corp., Southern Pacific Transportation, Co., St. Louis SouthWestern Railway Co., SPCSL Corp.	1996	TX
WIRELESS TELEPHONE SERVICES		
Cingular Wireless Corp., SBC Communications, Inc., Bellsouth Corp., and AT&T Wireless Services	2004	CT
DIRECT BROADCAST SATELLITE SERVICES		
US et al. v. EchoStar Communications, Corp.	2002	CA
GRAPHITE ELECTRODES		
Pennsylvania v. SGL Carbon, LLC	2003	PA