

ANTITRUST MODERNIZATION COMMISSION

MINUTES OF MEETING ON NOVEMBER 14, 2006

The Antitrust Modernization Commission met on November 14, 2006, at 1111 Pennsylvania 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 71 Fed. Reg. 62,991 (Oct. 27, 2006). Andrew Heimert, the Executive Director & General Counsel, served as Designated Federal Officer for the meeting. The Chair called the meeting to order at 9:38 a.m. A quorum of Commissioners was present.

Participating:

Deborah A. Garza, Chair
Jonathan R. Yarowsky, Vice-Chair
Bobby R. Burchfield, Commissioner
W. Stephen Cannon, Commissioner
Dennis W. Carlton, Commissioner
Donald G. Kempf, Jr., Commissioner
Jonathan M. Jacobson, Commissioner
Sanford M. Litvack, Commissioner
John H. Shenefield, Commissioner
Debra A. Valentine, Commissioner
John L. Warden, Commissioner

Andrew J. Heimert, Executive Director & General Counsel
Susan S. DeSanti, Senior Counsel
William F. Adkinson, Jr., Counsel
Nadine Jones, Counsel
Marni B. Karlin, Counsel

Also present:

Hiram Andrews, Law Clerk
Christopher Bryan, Paralegal
Kristen Gorzelany, Paralegal

I. Remarks of Chair

The Chair made opening remarks, welcoming the public to the meeting and setting out the process for deliberations at the meeting. She explained that the meeting was being held to conduct further deliberations on topics for which additional staff research had been requested by the Commission. The Chair explained that, prior to the meeting, all Commissioners were provided with supplemental memoranda prepared by staff setting forth additional research and supplementing previous memoranda on the topic. All documents were made available to the public at the meeting and in advance on the Commission's website.

II. Discussion of Issues

The Commission held further deliberations on the following issues: 1) state merger enforcement; 2) regulated industries; and 3) the Foreign Trade Antitrust Improvements Act (FTAIA). For each issue, Commissioners discussed the possible recommendations that the Commission previously had considered but not yet reached consensus on, and proceeded to attempt to reach consensus. With respect to state merger enforcement, the Commission reached consensus on several recommendations. With respect to regulated industries and the FTAIA, the Commission requested staff to conduct further research for discussion at a future meeting.

The meeting was adjourned at 1:45 p.m.

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

Deborah A. Garza
Chair, Antitrust Modernization Commission