

ANTITRUST MODERNIZATION COMMISSION

MINUTES OF MEETING ON FEBRUARY 22, 2007

The Antitrust Modernization Commission met on February 22, 2007, 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 72 Fed. Reg. 5000 (Feb. 2, 2007). Andrew Heimert, the Executive Director & General Counsel, served as Designated Federal Officer for the meeting. The Chair called the meeting to order at 9:35 a.m. The Executive Director noted a quorum of Commissioners present.

Participating:

Deborah A. Garza, Chair
Jonathan R. Yarowsky, Vice-Chair
Bobby R. Burchfield, Commissioner
W. Stephen Cannon, Commissioner
Jonathan M. Jacobson, Commissioner
Donald G. Kempf, Jr., 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
Marni B. Karlin, Counsel

Also present:

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

I. Remarks of Chair

The Chair offered opening remarks for the Commission meeting, welcoming the public to the meeting and setting out the procedure and purpose of the meeting. She explained that the purpose of the meeting was to review certain tentative recommendations on which Commissioners had requested further deliberation. The Chair explained that, prior to the meeting, all Commissioners were provided with an updated list of tentative recommendations compiled by staff and asked to identify any recommendations for which they wished to have further discussion. Prior to the meeting, Commissioners identified for further discussion certain recommendations regarding: 1) exclusionary conduct; 2) the Hart-Scott-Rodino Act; 3) state merger enforcement; 4) indirect purchaser litigation; and 5) the Robinson-Patman Act.

Documents listing the recommendations identified for discussion and possible proposed revisions were circulated to all Commissioners in advance of the meeting. These documents were made available to the public at the meeting and in advance on the Commission's website.

II. Discussion of Issues

The Commission reviewed the potential recommendations that one or more Commissioners had identified for further discussion, as well as the proposed modifications or supplementation of those recommendations. Proposed modifications were then discussed and either agreed to or rejected. These modifications were noted by staff, who were directed to incorporate those changes into the relevant drafts of the Commission's Report.

The meeting was adjourned at 11:50 a.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