



CENTER FOR THE DIGITAL ECONOMY
AT THE MANHATTAN INSTITUTE

CORDIALLY INVITES YOU TO A CONFERENCE

MONDAY, DECEMBER 9, 2002

8:30 A.M. - 2:00 P.M.

COMPETITION POLICY IN THE TELECOM INDUSTRY:

WHEN THE SHERMAN ACT MEETS THE TELECOMMUNICATIONS ACT, WHO WINS?

- 8:30 A.M. - 8:55 A.M. Registration
- 8:55 A.M. - 9:00 A.M. Introductory Remarks
Thomas W. Hazlett, Manhattan Institute
- 9:00 A.M. - 10:30 A.M. **Panel I: Regulation and the Financial Collapse**
Moderator: **Richard A. Epstein**, University of Chicago Law School
Thomas W. Hazlett, Manhattan Institute
An Unsustainable Model of Regulated Competition
Harold Furchtgott-Roth, American Enterprise Institute
The Failure to Implement the Telecommunications Act of 1996
Eli Noam, Columbia University
The Emerging Cyclicity of the Telecom Sector and Its Implications for Public Policy
Peter W. Huber, Manhattan Institute
A Suicide Pact for the Telecommunications Sector
- 10:30 A.M. - 10:45 A.M. Break
- 10:45 A.M. - 12:00 P.M. **Panel II: Rationalizing Competition Policy**
Moderator: **Thomas W. Hazlett**, Manhattan Institute
Doug Lichtman, University of Chicago Law School
Implicit Immunity
Richard A. Epstein, University of Chicago Law School
Standing and Privity in Antitrust Litigation: New Uses for Old Doctrines
Randal C. Picker, University of Chicago Law School
Understanding Statutory Bundles: Does the Sherman Act Come with the 1996 Telco Act?
- 12:00 P.M. - 2:00 P.M. RECEPTION AND LUNCHEON SPEAKER
Alfred Kahn, Cornell University
The State of Deregulation in December 2002

Harvard Club
27 West 44th Street
New York City

8:30 A.M. - 2:00 P.M.
RSVP: Acceptances Only
212-599-7000 EXT. 411

COMPETITION POLICY IN THE TELECOM INDUSTRY: WHEN THE SHERMAN ACT MEETS THE TELECOMMUNICATIONS ACT, WHO WINS?

In August 2002, the *WALL STREET JOURNAL* noted yet another emerging telecom crisis:

As if the telecom market meltdown isn't bad enough, the industry now bids to give us a legal shakedown too. It comes in the form of a new strategy marrying two of the most debilitating parts of U.S. law: antitrust and mass tort claims.

Ironically, the 1996 Telecommunications Act was largely advanced as a measure to avoid this outcome. Based on the premise that antitrust courts were incapable of complicated industry-specific competition policy, it gave regulators sweeping powers to craft rules promoting new entry, removing the courts—including Judge Green's supervision of the post-divestiture components of AT&T—from primary responsibility for telecommunications policy making. The stated goal was to create a less regulated environment in which competitive market forces would flourish.

Yet today, telecommunications carriers find that they have to deal with the worst of both worlds: regulations that hamstring network formation and courts willing to inject antitrust suits into Telecom Act rulemakings, creating ambitious theories of standing to allow billion-dollar class action suits.

Today's conference brings together some of the nation's foremost legal scholars and economists to discuss regulatory and litigation trends in telecoms, and the implications posed for consumers, other regulated industries, and the economy as a whole.