

## Timothy J. Brennan

### Permanent Positions and Addresses:

Professor of Public Policy and Economics  
Department of Public Policy  
University of Maryland, Baltimore County (UMBC)  
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Resources for the Future (RFF)  
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### Present Position and Address:

T.D. MacDonald Chair in Industrial Economics  
Competition Bureau – Bureau de la concurrence  
50 Rue Victoria  
Gatineau, Quebec, K1A 0C9  
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**Home Address:** 1708 Noyes Lane, Silver Spring, Maryland 20910-2226 U.S.A.

**Phone:** (301) 588-8624

**Date of Birth:** December 26, 1952    **Citizenship:** U.S.A.

### Primary Teaching and Research Fields:

Antitrust, Regulation, Industrial Organization, Law and Economics, Energy Policy, Communications Policy

**Additional Fields:** Public Finance, Policy and Ethics, Environmental Economics, Mathematical Methods, Intellectual Property

### Academic Background:

Ph. D., Economics, University of Wisconsin, August 1978 (Dissertation: *On the Micro-foundations of Keynesian Macroeconomics*, R. Bryce Hool, advisor)

M. A., Economics, University of Wisconsin, May, 1976

M. A., Mathematics, University of Wisconsin, May, 1975

B. A., Mathematics, University of Maryland, December 1973 (high honors, honors in mathematics).

**Honors:** Wisconsin Alumni Research Foundation Graduate Fellowships:

Mathematics, 1974-1975; Economics, 1976-1977;

Doctoral Dissertation in Economics, 1977-1978.

Valedictorian, University of Maryland, December 1973.

Gilbert White Fellow, Resources for the Future, 1995.

McGee Lecturer in Public Policy, Vanderbilt University, March 2000.

EPCOR Distinguished Lecturer, University of Alberta, October 2001.

Bearman First-Year Seminar Professor, UMBC, 2003-04.

T. D. MacDonald Chair, Competition Bureau, Industry Canada, 2006.

**Employment:**

- 1990-present Professor, Public Policy and Economics, University of Maryland Baltimore County (associate professor 1990, tenured 1991, full professor 1993)
- 1995-present Senior Fellow, Resources for the Future, Washington DC
- 2003-present: Graduate Program Director, Department of Public Policy, UMBC
  - 2003-2005: Staff consultant, Bureau of Economics, Federal Trade Commission
- 1996-1997: Senior Economist for Industrial Organization and Regulation, Council of Economic Advisers, Executive Office of the President, Washington, DC
  - 1995: Gilbert White Fellow, Resources for the Future, Washington, DC
- 1986-1989: Associate Professor of Public Policy, Communication, and Economics, Graduate School of Arts and Sciences, George Washington University
- 1978-1986: Economist, Antitrust Division, U. S. Department of Justice

**Department of Justice Responsibilities:** Primary Division economist in the areas of telecommunications, broadcasting, and intellectual property. Staff economist, *U. S. v. AT&T*, *U. S. v. Natl. Assn. of Broadcasters*, *amicus* briefs concerning ASCAP, NCAA, state action cases. Other major matters include those listed below under Official Publications. From 1986-1999, consulted to Division on a part-time staff basis on intellectual property, telecommunications industry structure, computer software practices, energy regulation, and broadcasting policy. Provided policy advice to antitrust and regulatory officials from Eastern Europe, Mexico, and other countries with developing market economies. Served as a contract consultant to the Division through UMBC, 1999-2000.

**Department of Justice Awards:**

Outstanding Performance Ratings: 1980, 1982-1985; Meritorious Awards: 1982, 1984.  
Special Achievement Awards: 1979, 1980; Antitrust Division Award of Merit, 1985

**Professional Association Memberships:**

American Economic Association  
 American Philosophical Association  
 American Bar Association (associate member)  
 American Law and Economics Association  
 Association for Public Policy Analysis and Management  
 Industrial Organization Society  
 Association for Education in Journalism and Mass Communication  
 Association for Social Economics  
 Society for Philosophy and Public Policy  
 History of Economics Society  
 Association for Evolutionary Economics  
 Society for Economic Research on Copyright Issues  
 Southern Economic Association  
 Eastern Economic Association  
 Washington Area Music Association

**Editorial Boards**

*Journal of Regulatory Economics*  
*Communication Law and Policy*  
*Information Economics and Policy*  
*International Journal of the Economics of Business.*

**Professional Activities:**

Referee: *Agricultural and Resource Economics Review*, *American Economic Review*, Cambridge University Press, *Communication Law and Policy*, *Contemporary Economic Policy*, *Contemporary Policy Issues*, *Eastern Economic Review*, *Ecological Economics*, *Economic Inquiry*, *Economics and Philosophy*, Edward Elgar, *Energy*, *Energy Journal*, *Energy Studies Review*, *Government and Policy*, *Growth and Change*, *Information Economics and Policy*, *International Journal of the Economics of Business*, *Journal of Broadcasting and Electronic Media*, *Journal of Business Economics*, *Journal of Communication*, *Journal of Economic Education*, *Journal of Economic Issues*, *Journal of Economics and Management Strategy*, *Journal of Environmental Economics and Management*, *Journal of Industrial Economics*, *Journal of Institutional Economics*, *Journal of Policy Analysis and Management*, *Journal of Political Economy*, *Journal of Regulatory Economics*, *Journal of Theoretical Politics*, *Land Economics*, *Management Science*, MIT Press, *Quarterly Journal of Economics*, RAND *Journal of Economics*, *Regulation*, *Research in Law and Economics*, *Research in the History of Economic Thought and Methodology*, *Resource and Energy Economics*, *Review of Industrial Organization*, *Review of Network Economics*, *Review of Social Economy*, *Scottish Journal of Political Economy*, *Southern Economic Journal*, University of Michigan Press, University of Minnesota Press, *Zeitschrift für Nationalökonomie*.

Presentations:

*U.S. Government:* Department of Justice, Federal Trade Commission, Federal Communications Commission, Congress (staff), Agency for International Development, Department of Energy, Office of Technology Assessment.

*International government:* Canadian Senate Standing Committee on Transport and Communications, Industry Canada—Competition Bureau, Costa Rica Commission for the Protection of Competition (COPROCOM), Mexico Secretariat for Communication and Transport, Mexico Competition Commission, Netherlands Embassy, New Zealand Embassy, United Kingdom Office of Fair Trading, Uzbekistan State Committee for Demonopolization and Competition.

*Professional Associations:* American Bar Association (Antitrust Section), Association of the Bar of the City of New York, American Economic Association, Association for Education in Journalism and Mass Communication, Association for Evolutionary Economics, Association for Institutional Thought, Association for Public Policy Analysis and Management, Association for Social Economics, Canadian Bar Association, Canadian Economic Association, Eastern Economic Association, History of Economics Society, Industrial Organization Society, International Association of Energy Economists, International Network for Economic Method, International Telecommunications Society, Society for Economic Research on Copyright Issues, Southern Economic Association, Transportation and Public Utilities Group.

*Institutional:* AT&T Bell Laboratories, Brookings Institution, Economists Inc., eSapience, Freedom Forum Media Studies Center, International Communications Forecasting Conference, Mansfield Center for Pacific Affairs, National Economists Club, National Research Council, Resources for the Future, Telecommunications Policy Research Conferences, TransAlta Corporation, World Bank.

*Academic:* Carleton University (Department of Economics), City University of New York (Baruch College School of Public Affairs), Columbia University (Institute for Tele-Information), Deutsche Hochschule für Verwaltungswissenschaften Speyer (German University of Administrative Sciences-Speyer), George Mason University (Center for Public Choice, Law School, Learning in Retirement Institute), George Washington University (School of Law, Public Policy Institute, Department of Economics), Georgetown University (Law School, Public Policy Institute), Harvard University (John F. Kennedy School of Government, Harvard Law School), Johns Hopkins University (Nitze School of Advanced International Studies, Center for Population Studies), Louisiana State University, Middle Tennessee State University, Northwestern University (Department of Communication Studies, Annenberg Washington Program), Oberlin College, Penn State (College of Earth and Mineral Sciences), Rutgers University (Advanced Workshops in Regulation and Public Utility Economics), University of Alberta (School

of Business), University of Auckland (School of Business), University of Calgary (Van Horne Institute, Department of Economics), University of California-Berkeley (UC Energy Institute), University of California-Davis (Institute of Government Affairs), University of Delaware (Center for the Study of Values), University of Maryland Baltimore County, University of Maryland-College Park, University of Maryland School of Law, University of Pennsylvania (Department of Economics, Annenberg School for Communication), University of Southern California (Annenberg School for Communication), University of Texas (Department of Economics), Vanderbilt University (Owen School of Business, Department of Economics), Virginia Polytechnic Institute, West Virginia University.

Panelist, Predatory Buying, U.S. Department of Justice and Federal Trade Commission Joint Hearings on Section 2 Single Firm Conduct, Washington, DC, June 22, 2006.

Panelist, Holistic Approaches to Competition Enforcement, United Kingdom Office of Fair Trading, London, England, June 20, 2006.

Consultant, Telecommunications Policy Rule and Local Regulatory Forbearance, Competition Bureau, Industry Canada, Gatineau, Quebec, 2005.

Invited Participant, “The Theoretical and Empirical Analysis of Bundling,” George Mason University School of Law, May 20, 2005.

Regulatory Expert on Natural Monopolies and Telecommunications, Technical Assistance to the Republic of Uzbekistan for Institutional Strengthening of the State Committee on Demonopolization and Competition Development, International Law Institute, 2004-05.

Chair, Antitrust Enforcement Panel, International Industrial Organization Conference, Atlanta, GA, Apr. 9, 2005.

Chair, Telecommunications Policy Panel, International Industrial Organization Conference, Chicago, IL, Apr. 24, 2004.

Participant, Electricity Workshop—Security of Supply: Operating Reserves and Capacity Markets, Transmission and Interconnection, and Demand Response, Royal Netherlands Embassy, Washington, DC, March 9-10, 2004.

Energy Information Administration, U.S. Department of Energy, Transmission Data Advisory Group, 2004.

Reviewer, Electric Power Research Institute “Framework for the Future” Report, May 2003.

Default Electricity Provider Forum, Center for the Advancement of Energy Markets, 2002-2003.

Chair, “O Kilowatts, Where Art Thou” Panel, Association for Public Policy Analysis and Management, Dallas, TX, Nov. 8, 2002.

Panelist, Broadband Forum, National Telecommunications and Information Administration, U.S. Department of Commerce, Oct. 12, 2001.

EPCOR Distinguished Lecturer, University of Alberta, Edmonton, Alberta, Oct. 4, 2001.

McGee Lecturer in Public Policy, Vanderbilt University, March 1, 2001.

Advisory Committee, Retail Electricity Deregulation Index, Center for the Advancement of Energy Markets, 2000-04.

Advisory Committee, Federal Communications Commission “Connecting the Globe” Project, 2000.

National Association of Regulatory Utility Commissioners Uniform Business Practices Workshop, March 3-4, 2000.

Organizing Committee, Telecommunications Policy Research Conference, 1994-96.

- Advisor, Mexico Secretariat for Communications and Transport and Mexico Competition Commission, Mexico City, Mexico, August 29-30, 1995.
- Advisory Panel, *Wireless Technologies and the National Information Infrastructure*, Office of Technology Assessment, 1994-95.
- Advisory Panel, Rights for Electronic Access to and Delivery of Information (READI) Program, Coalition for Networked Information, 1993-95.
- Advisor, Slovak Antimonopoly Office, Bratislava, Slovak Republic, July 12-13, 1993.
- Socioeconomics Grant Review Panel, Environmental Protection Agency, 1992-94.
- Reviewer and Contributor, Office of Technology Assessment reports: *Copyright and Home Copying*, 1989; *Global Standards*, 1992.
- Proposal Reviewer, National Science Foundation: Programs in Economic, Ethics and Value Studies, Law and Social Policy, Human and Social Dynamics, 1992, 1996, 1999, 2000, 2004.
- Proposal Reviewer, Smith Richardson Foundation, 1998.
- Report Reviewer, National Research Council, Board on Infrastructure and the Constructed Environment, 1999.
- Presenter, "Overview of Electricity Competition Policy Issues," League of Women Voters, Vineyard Haven, MA, Sep. 21, 1997.
- Interviewee, U.S. telecommunications policy, China Television (Taiwan), Jun. 25, 1998.
- Interviewee, *De Zeit*, Jan. 25, 2001.
- Interviewee, California electricity deregulation, TV2/Danmark, Feb. 7, 2001.
- Interviewee, CBC Radio "Ottawa Morning," regarding 2003 blackout, Aug. 19, 2003.
- Panelist, *Pro & Con*, WHMM-TV, Washington, DC, Jul. 24, 1989.
- Selection Committee, Rockefeller Prize for Non-Academically Affiliated Philosophers, American Philosophical Association, 1987, Chair, 1988.
- Workshop on Ethics and Public Policy, Washington College, Summer 1980.

### **Other Teaching Experience:**

- Lecturer on Natural Monopoly Regulation and Telecommunications Policy, State Committee on Demonopolization and Competition Development, Tashkent, Uzbekistan, Jan. 14-18, 2005.
- Lecturer, Post-Privatization: Managing the Challenge, International Law Institute, Washington, DC, Jun. 11, 2004, Oct. 14, 2005.
- Lecturer, Georgetown Public Policy Institute, Georgetown University, Nov. 2003.
- Lecturer, Microeconomics Refresher Course, World Bank, Washington, DC, 1999.
- Lecturer, Economic Regulation, Washington Campus Summer MBA Program, Georgetown University, Washington, DC, 1996.
- Lecturer, Regulatory Economics and Telecommunications Policy in Developing Market Economies, International Law Institute, Washington, DC, 1994.
- Lecturer, United States Telecommunications Training Institute, Washington, DC, 1989-94.
- Lecturer and Panelist, Annenberg Washington Program Communications Faculty Workshops, 1988-1990, 1993.
- Lecturer, Introductory and Intermediate Microeconomics for Attorneys in the Antitrust Division, U. S. Dept. of Justice, Spring 1981-Spring 1982.
- Teaching Assistant, Graduate Microeconomic Theory, University of Wisconsin, Madison, Spring, 1977 ("Excellent" rating received).

Co-teacher, Institutional Economics, University of Wisconsin, Madison, Spring, 1977.

Leader, Seminar on Nicholas Georgescu-Roegen's *The Entropy Law and the Economic Process*, University of Wisconsin, Madison, Summer, 1977.

### Other Research Experience:

Research Assistant in Education and Job Migration, Institute for Research on Poverty, University of Wisconsin, Madison, August, 1975-August, 1976.

Programmer and Research Assistant in Plasma Physics, Institute for Fluid Dynamics and Applied Mathematics, University of Maryland, College Park, October, 1970-August, 1974.

## PUBLICATIONS

### Books and Monographs:

*Alternating Currents: Electricity Markets and Public Policy* (with Karen Palmer and Salvador Martinez), Washington, DC: Resources for the Future (2002).

*The California Electricity Experience, 2000-2001: Education or Diversion?* Washington, DC: Resources for the Future (2001).

*A Shock to the System: Restructuring America's Electricity Industry* (with Karen Palmer, Raymond Kopp, Vito Stagliano, Alan Krupnick, and Dallas Burtraw), Washington, DC: Resources for the Future (1996).

### Edited Collections:

"Symposium: Recent Competition Issues in Telecommunications" *Antitrust Bulletin*, vol. 40, no. 3 (1995).

### Articles:

"Consumer Preference Not to Choose: Methodological and Policy Implications," *Energy Policy* (forthcoming, 2006).

"*Trinko* v. Baxter: The Demise of *U.S. v. AT&T*," *Antitrust Bulletin*, vol. 50, no. 4 (2006): 635-64.

"Alleged Transmission Inadequacy: Is Restructuring the Cure or the Cause?" *Electricity Journal*, vol. 19, no. 4 (May 2006): 42-51.

"Green Preferences as Regulatory Policy Instrument," *Ecological Economics*, vol. 56, no. 1 (2006): 144-54.

"Political Economy and the Efficiency of Compensation for Takings" (with James Boyd), *Contemporary Economic Policy*, vol. 24, no. 1 (2006): 188-202.

"Should the Flamingo Fly? Using Competition Law to Limit the Scope of Postal Monopolies," *Antitrust Bulletin*, vol. 50, no. 1 (2005): 197-221.

"Vertical Market Power' as Oxymoron: Horizontal Approaches to Vertical Antitrust," *George Mason Law Review*, vol. 12, no. 4 (2004): 895-922.

"Market Failures in Real-Time Metering," *Journal of Regulatory Economics*, vol. 26, no. 2 (2004): 119-39.

"The Legacy of *U.S. v. Microsoft*," *Regulation*, vol. 26, no. 4 (Winter 2004): 22-28.

"Electricity Capacity Requirements: Who Pays?" *Electricity Journal*, vol. 16, no. 8 (Oct. 2003): 11-22.

"Mismeasuring Electricity Market Power," *Regulation* 25 (Spring, 2003): 60-65.

"Do Easy Cases Make Bad Law? Antitrust Innovation or Missed Opportunities in *U.S. v. Microsoft*," *George Washington Law Review* vol. 69 (2001): 1042-1102.

- “Implementing Electricity Restructuring: Policies, Potholes, and Prospects” (with Karen Palmer and Salvador Martinez), *Environmental and Resource Economics*, vol. 22 (2002): 99-132.
- “The California Crisis: Questioning The Conventional ‘Wisdom,’” *Regulation* 24 (Fall, 2001): 63-69.
- “Drawing Lessons from the California Power Crisis,” *Resources* no. 144 (Summer, 2001): 8-12.
- “Vertical Excuses for Horizontal Practices: Should There Be Any *Per Se* Rules?” *Antitrust Bulletin*, vol. 45 (2000): 467–490.
- “Programmi DSM e concorrenza elettrica negli Stati Uniti (DSM programs and electricity competition in the Unites States),” *Energia*, vol. 21, no. 1 (2000): 32–42.
- “The Spectrum as the Commons: Today’s Vision, Not Tomorrow’s Prescription,” *Journal of Law and Economics*, vol. 41 (1998): 791–803.
- “Industry Parallel Interconnection Agreements,” *Information Economics and Policy*, vol. 9 (1997): 133–149.
- “Technology and Coordination: Antitrust Implications of Remote Sensing Satellites,” (with Molly Macauley), *Antitrust Bulletin*, vol. 42 (1997): 477–502.
- “Stranded Costs, Takings, and the Law and Economics of Implicit Contracts,” (with James Boyd), *Journal of Regulatory Economics*, vol. 11 (1997): 41–54.
- “Making Sense of the Telecommunications Act of 1996,” *Industrial and Corporate Change*, vol. 5 (1996): 941–61.
- “Methodology—Abstract Philosophy or Criticism of Diminishing Returns,” *Research in the History of Economic Thought and Methodology*, vol. 14 (1996): 329–42.
- “Is Cost-of-Service Regulation Worth The Cost?” *International Journal of the Economics of Business*, vol. 3, no. 1 (1996): 25–42.
- “Remote Sensing Satellites and Privacy: A Framework for Policy Assessment” (with Molly Macauley), *Journal of Law, Computers, and Artificial Intelligence*, vol. 4, no. 3 (1995): 233–48.
- “Does the Theory Behind *U.S. v. AT&T* Still Apply Today?” *Antitrust Bulletin*, vol. 40, no. 3 (1995): 455–82, reprinted in Brock, Gerald and Gregory Rosston (ed.), *The Internet and Telecommunications Policy: Selected Papers from the 1995 Telecommunications Policy Research Conference* (New York: Lawrence Erlbaum, 1996).
- “Markets, Information, and Benevolence,” *Economics and Philosophy*, vol. 10, no. 2 (1994): 151-68.
- “Talking to One’s Selves: The Social Science of Jon Elster,” *Journal of Communication*, vol. 44, no. 1 (1994): 73-81.
- “Economic Theory in Industrial Policy: Lessons From *U.S. v. AT&T*,” *Research in the History of Economic Thought and Methodology*, vol. 11 (1994): 49-72.
- “Comparing the Costs and Benefits of Diversification by Regulated Firms” (with Karen Palmer), *Journal of Regulatory Economics*, vol. 6, no. 2 (1994): 115-36.
- “Copyright, Property, and the Right to Deny,” *Chicago-Kent Law Review*, vol. 68, no. 2 (1993): 675-714.
- “The Futility of Multiple Utility,” *Economics and Philosophy*, vol. 9, no. 1 (1993): 155-64.
- “Content, Controversy, and Control: Politics and the Evolution of Antitrust Enforcement,” *Law and Policy*, vol. 14, no. 1 (1992): 107-22.
- “Refusing to Cooperate with Competitors: A Theory of Boycotts,” *Journal of Law and Economics*, vol. 35, no. 2 (1992): 247-64.

- “Integrating Communications Theory into Media Policy: An Economic Perspective,” *Telecommunications Policy*, vol. 16, no. 6 (1992): 460-74 (nominated for the Donald McGannon Communication Research Center 1993 Communication Policy Research Award).
- “Rational Ignorance: The Strategic Economics of Military Censorship,” *Southern Economic Journal*, vol. 58, no. 4 (1992): 966-74.
- “Depreciation, Investor Compensation, and Welfare under Rate-of-Return Regulation,” *Review of Industrial Organization*, vol. 6, no. 1 (1991): 73-87.
- “Voluntary Exchange and Economic Claims,” *Research in the History of Economic Thought and Methodology*, vol. 7 (1990): 105-24.
- “Vertical Integration, Monopoly, and the First Amendment,” *Journal of Media Economics*, vol. 3, no. 1 (1990): 57-76.
- “Cross-Subsidization and Cost Misallocation by Regulated Monopolists,” *Journal of Regulatory Economics*, vol. 2, no. 1 (1990): 37-51.
- “Understanding ‘Raising Rivals’ Costs’: Reply,” *Antitrust Bulletin*, vol. 34, no. 4 (1989): 909-18.
- “A Methodological Assessment of Multiple Utility Frameworks,” *Economics and Philosophy*, vol. 5, no. 2 (1989): 189-208, reprinted in Caldwell, Bruce (ed.), *The Philosophy and Methodology of Economics* (Aldershot: Edward Elgar, 1993): vol. 1, 405–24.
- “The ‘Fairness Doctrine’ as Public Policy,” *Journal of Broadcasting and Electronic Media*, vol. 33, no. 4 (1989): 419-40.
- “Exclusive Dealing, Limiting Outside Activity, and Conflict of Interest,” *Southern Economic Journal*, vol. 56, no. 2 (1989): 323-35.
- “Divestiture Policy Considerations in an Information Services World,” *Telecommunications Policy*, vol. 13, no. 3 (1989): 243-54.
- “Regulating by ‘Capping’ Prices,” *Journal of Regulatory Economics*, vol. 1, no. 2 (1989): 133-47, reprinted in Einhorn, Michael (ed.), *Price Caps and Incentive Regulation in Telecommunications* (Norwell, MA: Kluwer Academic Press, 1991): 33-45.
- “Exclusive Dealing in General Business Practice,” *Journal of Business Strategies*, vol. 5, no. 2 (1988): 53-60.
- “Understanding Raising Rivals’ Costs,” *Antitrust Bulletin*, vol. 33, no. 1 (1988): 95-113.
- “An Economic Look at Taxing Home Audio Taping” *Journal of Broadcasting and Electronic Media*, vol. 32, no. 1 (1988): 89-103.
- “Rights, Market Failure, and Rent Control: A Comment on Radin,” *Philosophy and Public Affairs*, vol. 17, no. 1 (1988): 66-79.
- “Academic Disciplines and Representative Advocacy,” *Business and Professional Ethics Journal*, vol. 6, no. 1 (1987): 32-55.
- “Why Regulated Firms Should Be Kept Out Of Unregulated Markets: Understanding the Divestiture in *U.S. v. AT&T*,” *Antitrust Bulletin*, vol. 32, no. 3 (1987): 741-93.
- “Joint Production and Monopoly Extension Through Tying” (with Sheldon Kimmel), *Southern Economic Journal*, vol. 53, no. 2 (1986): 490-501.
- “Harper & Row v. The Nation: Copyrightability and Fair Use,” *Journal of the Copyright Society of the U.S.A.*, vol. 33, no. 4 (1986): 368-89.
- “Is Economics Methodologically Special?” *Research in the History of Economic Thought and Methodology*, vol. 2 (1984): 127-40.

- “Local Government Action and Antitrust Policy: An Economic Analysis,” *Fordham Urban Law Journal*, vol. 12, no. 3 (1984): 405-36.
- “Economic Efficiency and Broadcast Content Regulation,” *Federal Communications Law Journal*, vol. 35, no. 2 (1983): 117-38.
- “Mistaken Elasticities and Misleading Rules,” *Harvard Law Review*, vol. 95, no. 8 (1982): 1849-56, excerpted in Calvani, Terry, and John Siegfried (eds.), *Economic Analysis and Antitrust Law* (Boston: Little Brown, 1988): 118-22.
- “Explanation and Value in Economics,” *Journal of Economic Issues*, vol. 13, no. 4 (1979): 911-32.

#### Chapters in Books:

- “Saving Section 2: Reframing U.S. Monopolization Law,” in Ghosal, Vivek and Johan Stennek (eds.), *The Political Economy of Antitrust* (Amsterdam: North-Holland, forthcoming 2006).
- “Preventing Monopoly or Discouraging Competition? The Perils of Price-Cost Tests for Market Power in Electricity,” in Kleit, Andrew N. (ed.), *The Challenge of Electricity Restructuring* (Lanham, MD: Rowman and Littlefield, forthcoming 2006).
- “Fair Use as Policy Instrument,” in Gordon, Wendy, Lisa Takeyama and Ruth Towse (eds.), *The Economics of Copyright: Developments in Research and Analysis, Volume 2*, (Northampton, MA: Edward Elgar, 2005): 80-102.
- “Making Electricity Markets Competitive: How Fast and By Whom,” in Portney, Paul and Richard Morgenstern (eds.), *New Approaches on Energy and the Environment: Policy Advice for the President* (Washington: Resources for the Future, 2004): 38-43.
- “Regulation and Competition as Complements,” in Crew, Michael and Menahem Spiegel (eds.), *Obtaining the Best from Regulation and Competition* (Norwell, MA: Kluwer Academic Press, 2004): 1-20.
- “Opening Electricity Markets: Lessons from the U.S. Experience,” in Bohne, Eberhard (ed.), *Neubestimmung staatlicher Aufgaben im Stromhandel (Redefining the role of government in electricity trading)* (Berlin: Duncker & Humblot, 2003).
- “The FCC and Policy Federalism: Broadband Internet Access Regulation,” in Madden, Gary and Scott Savage (eds.), *International Handbook of Telecommunications Economics, Volume III* (Northampton, MA: Edward Elgar, 2003): 173-99.
- “State and Federal Roles in Facilitating Retail Electricity Competition,” in Walls, W. David (ed.), *Regional Transmission Organizations: Restructuring Electricity Transmission in Canada* (Calgary, Alberta: Van Horne Institute, 2003): 15-39.
- “Private Eyes in the Sky: Implications of Remote Sensing Technology for Enforcing Environmental Regulation,” (with Molly Macauley) in Farrow, Scott and Paul Fishbeck (eds.), *Improving Regulation: Case Studies in Environment, Health, and Safety* (Washington: Resources for the Future, 2001): 310-32.
- “Promoting Telephone Competition: A Simpler Way?” in Gillete, Susan and Ingo Vogelsang (eds.), *Competition, Regulation, and Convergence: Current Trends in Telecommunications Policy Research* (Mahwah, NJ: Lawrence Erlbaum, 1999): 85–103.
- “Discounting the Future: Economics and Ethics,” in Oates, Wallace (ed.), *The RFF Reader in Environmental and Resource Management* (Washington, DC: Resources for the Future, 1999): 35–41.
- “Comparing ‘Stranded Costs’ Arguments in Telecommunications and Electricity,” in Crew, Michael (ed.), *Regulation Under Increasing Competition* (Norwell, MA: Kluwer Academic Press, 1999): 79–94.

- “American Democratic Institutions and Social Values,” in Carrow, Milton, R. Paul Churchill and Joseph Cordes (eds.), *Democracy, Social Values, and Public Policy* (Westport, CT: Greenwood, 1998): 37–55.
- “Die ökonomische Analyse des Rechts aus philosophischer Sicht: Gesellschaftspolitische Ziele im Kontext des Rechts,” [“A Philosophical Assessment of ‘Law and Economics’: Policy Norms and Judicial Contexts,”] in Ott, Claus, and Hans-Bernd Schäfer (ed.), *Effiziente Verhaltenssteuerung und Kooperation im Zivilrecht* (Tübingen: Mohr Siebeck, 1997): 283–309.
- “Additional Considerations in the Electricity Competition Debate,” in National Research Council, *Competition in the Electricity Industry: Emerging Issues, Opportunities and Risks for Facility Operators* (Washington: National Academy Press, 1996).
- “Does the Theory Behind U.S. v. AT&T Still Apply today?” in Brock, Gerald and Gregory Rosston (ed.), *The Internet and Telecommunications Policy: Selected Papers from the 1995 Telecommunications Policy Research Conference* (New York: Lawrence Erlbaum, 1996): 13–33, reprinted from *Antitrust Bulletin*, vol. 40, no. 3 (1995): 455–82.
- “Balancing Present Costs and Future Benefits,” in National Research Council, *Financing Tomorrow’s Infrastructure: Challenges and Issues* (Washington: National Academy Press, 1996): 7–20.
- “Game Theory and the First Amendment: Strategic Implications of Freedom of the Press,” in Brock, Gerald (ed.), *Toward a Competitive Telecommunication Industry: Selected Papers from the 1994 Telecommunications Policy Research Conference* (New York: Lawrence Erlbaum, 1995): 309–31.
- “A Methodological Assessment of Multiple Utility Frameworks,” in Caldwell, Bruce (ed.), *The Philosophy and Methodology of Economics* (Aldershot: Edward Elgar, 1993): vol. 1, 405–24, reprinted from *Economics and Philosophy*, vol. 5, no. 2 (1989): 189–208.
- “Mergers,” in *Magill’s Survey of Social Science: Economics* (Pasadena: Salem Press, 1991): 1424–30.
- “Monopolies: Regulation,” in *Magill’s Survey of Social Science: Economics* (Pasadena: Salem Press, 1991): 1543–49.
- “The Trouble With Norms,” in Koford, Kenneth and Miller, Jeffrey (eds.), *Social Norms and Economic Institutions* (Ann Arbor: University of Michigan Press, 1991): 85–94.
- “Regulating by ‘Capping’ Prices,” in Einhorn, Michael (ed.), *Price Caps and Incentive Regulation in Telecommunications* (Norwell, MA: Kluwer Academic Press, 1991): 33–45, reprinted from *Journal of Regulatory Economics*, vol. 1, no. 2 (1989): 133–47.
- “Issues of International Trade,” in Cole, Barry. (ed.), *After the Break-Up: Assessing the New Post-AT&T Divestiture Era*, (New York: Columbia University Press, 1991): 466–72.
- “Entry and Welfare Loss in Regulated Industries,” in Crew, Michael (ed.), *Competition and the Regulation of Utilities* (Norwell, MA: Kluwer Academic Publishers, 1990): 141–56.
- “‘Raising Rivals’ Costs’—Advice for the Practitioner,” in American Bar Association, Section of Antitrust Law, *Manual on the Economics of Antitrust Law* (4<sup>th</sup> supplement), (1988).
- “Mistaken Elasticities and Misleading Rules,” in Calvani, Terry, and John Siegfried (eds.), *Economic Analysis and Antitrust Law* (Boston: Little Brown, 1988): 118–22, excerpted from *Harvard Law Review*, vol. 95, no. 8 (1982): 1849–56.

#### Short Articles, Reviews, Commentaries:

- “Public Use and Just Compensation: How and When Does Economic Analysis Apply?” *Resources* 159 (Fall, 2005): 24–27.
- “Houses of Cards,” review of *Paying With Plastic: The Digital Revolution in Buying and Borrowing* by David Evans and Richard Schmalensee, *Regulation* 28 (Fall, 2005): 56–58.

- “Microsoft: An Opportunity Missed?” *Managing Intellectual Property* (Dec. 2002/Jan. 2003): 4.
- Review of *Electric Money* (PBS video), *Journal of American History* 89 (2002): 1177-78.
- “More Power Creates Puzzle” (with Joseph Doucet), *Edmonton Journal* (Nov. 23, 2001).
- “An Academic’s Guide to the Way Washington Really Works,” *Chronicle of Higher Education* (Jan. 12, 2001): B11.
- “Economists as Judicial Activists,” *Policy Matters 00-10*, AEI-Brookings Joint Center for Regulatory Studies, <http://www.aei.brookings.org/publications/abstract.php?pid=82> (August, 2000).
- “Who Lost Russia” (letter), *New York Times Magazine* (Sep.5, 1999).
- “Portland should stick to its guns in cable fight,” op-ed, *The Oregonian* (Jul. 24, 1999).
- “Monopoly Money” (letter), *The Economist*, vol. 347, no. 8070 (May 30, 1998): 8.
- “Not Enough Anarchy in the U.K.” (with Karen Palmer), *Regulation*, vol. 21, no. 2 (Spring 1998): 2-3.
- “Commercialization Without NASA” (with Molly Macauley), *Space News* (Feb. 16-22, 1998): 29.
- Review of *Quality and Reliability of Telecommunications Infrastructure*, edited by William Lehr and *American Regulatory Federalism and Telecommunications Infrastructure*, edited by Paul Teske, *Journal of Broadcasting and Electronic Media*, vol. 41, no. 1 (1997): 151-54.
- Review of *Regulating Broadcast Programming* by Thomas G. Krattenmaker and Lucas A. Powe, Jr., *Journal of Economic Literature*, vol. 33, no. 3 (1995): 1381-82.
- Review of *Constitutional Environments and Economic Growth* by Gerald W. Scully, *Forum for Social Economics*, vol. 22, no. 2 (1993): 71-75.
- Review of *Morality, Rationality, and Efficiency*, *New Perspectives on Socio-Economics*, edited by Richard M. Coughlin, *Journal of Economic Issues*, vol. 26, no. 4 (1992): 1271-75.
- Review of *Reinventing Rationality: The Role of Regulatory Analysis in the Federal Bureaucracy* by Thomas McGarity, *Journal of Economic Issues*, vol. 26, no. 3 (1992): 963-66.
- Review of *Media Freedom and Accountability* by Everette Dennis, Donald Gillmor, and Theodore Glasser, *Journal of Broadcasting and Electronic Media*, vol. 34, no. 4, (1990): 502-03.
- Review of *Economics and Power* by Randall Bartlett, *Southern Economic Journal*, vol. 57, no. 2 (1990): 554-55.
- “Should Cable Be a Federal Case,” *Broadcasting*, vol. 118, no. 12 (Mar. 19, 1990): 24.
- Review of *The Reconstruction of Economics* by Alan Gruchy, *Journal of Economic Literature*, vol. 26, no. 4 (1988): 1751-53.
- Review of *The Economics of Telecommunications* by John Wenders, *Information Economics and Policy*, vol. 3, no. 3 (1988): 268-69.
- “It Pays to Be Well Connected” (letter), *Wall Street Journal* (Jul. 9, 1987).
- “Limits of the Marketplace Model,” *Broadcasting*, vol. 107, no. 15 (Oct. 8, 1984): 30.
- Review of *Reasoning and Method in Economics* by I. M. T. Stewart, *Journal of Economic Issues*, vol. 15, no. 3 (1981): 796-99.
- “Toward a Humanist Reconstruction of Economic Science: Comment,” *Journal of Economic Issues*, vol. 14, no. 4 (1980): 1019-25.
- “Comment: The Utility of Being Hanged on the Gallows,” *Journal of Post Keynesian Economics*, vol. 3, no. 1 (1980): 129-32.

“Comment: On Not Quantifying the Quantifiable,” *Journal of Post Keynesian Economics*, vol. 2, no. 2 (1979): 267-70.

## OTHER RESEARCH

### Selected Presentations:

- “Environmental Tools: Managing the Implementation Portfolio,” Environmental Policy Tools Workshop, Alberta Environment, Edmonton, Alberta (Oct. 4, 2006).
- “2006 in Competition Policy and Enforcement: An Economic Perspective” (with Alan Gundersen), Economics and Law Committee, Canadian Bar Association, Annual Fall Conference on Competition Law, Gatineau, Quebec (Sep. 28, 2006).
- “Bundled Rebates: When Are They Anticompetitive and How Can We Tell?” eSapience Dinner and Discussion Series, Washington, DC (July 19<sup>th</sup>, 2006).
- “Fair Trade or Imperialism: Importing Merger Guidelines into Deregulatory Policy,” Centre for the Study of Government and Business, Canadian Economic Association, Montreal, Quebec (May 28, 2006); Rutgers University Center For Research in Regulated Industries, 19<sup>th</sup> Western Conference in Advanced Regulatory Economics, Monterey, CA (June 30, 2006).
- Statement, Predatory Buying Panel, Department of Justice Antitrust Division and Federal Trade Commission Joint Section 2 Hearings on Single-Firm Conduct, Washington, DC (June 22, 2006).
- “Exclusionary Conduct: Structuring an Approach to Monopolization Cases,” Commission for the Protection of Competition (COPROCOM) staff, Competition Bureau, Gatineau, Quebec (May 24, 2006); Office of Fair Trading, London, England (June 19, 2006).
- “Three ‘Mini’ Essays on Bundling,” Department of Economics, Carleton University, Ottawa, ON (Mar. 24, 2006); Department of Economics, University of Texas, Austin, TX (May 3, 2006); Bureau of Economics, Federal Trade Commission, Washington, DC (June 15, 2006).
- “*Trinko v. Baxter*: The Demise of *U.S. v. AT&T*,” Transportation and Public Utilities Group, American Economic Association, Boston, MA (Jan. 8, 2006); International Industrial Organization Conference, Northeastern University, Boston, MA (Apr. 9, 2006).
- “Competition Agency Roles: Complements or Substitutes?” Economics and Law Committee, Canadian Bar Association, Annual Fall Conference on Competition Law, Gatineau, Quebec (Nov. 3, 2005).
- “Public Use and ‘Just Compensation’: Observations on *Kelo v. New London*,” Resources for the Future, Washington, DC (July 20, 2005); Center for Urban Environmental Research and Education, University of Maryland Baltimore County, Catonsville, MD (Mar. 10, 2006).
- “Alleged Transmission Undersupply: Is Restructuring the Cure or the Cause?” Rutgers University Center For Research in Regulated Industries, 23<sup>rd</sup> Conference in Advanced Regulatory Economics, Skytop, PA (May 19, 2005); International Industrial Organization Conference, Northeastern University, Boston, MA (Apr. 8, 2006).
- “Consumer Preference Not to Choose: Methodological and Policy Implications,” Rutgers University Center For Research in Regulated Industries, 23<sup>rd</sup> Conference in Advanced Regulatory Economics, Skytop, PA (May 19, 2005), International Network for Economic Method, Allied Social Science Association Meetings, Boston, MA (Jan. 7, 2006).
- “Electric Energy Markets: Does the Market Send the ‘Right’ Prices?” 9<sup>th</sup> Annual Washington Energy Policy Conference, School of Advanced and International Studies, Johns Hopkins University, Washington, DC (Apr. 26, 2005).

- “Competition as an Entry Barrier? Consumer and Total Welfare Effects of Bundling,” 3<sup>rd</sup> International Industrial Organization Conference, Atlanta, GA (Apr. 8, 2005).
- “Saving Section 2: Applications” Competition Bureau, Industry Canada, Gatineau, Quebec (Oct. 15, 2004).
- “Saving Section 2: Theory” Competition Bureau, Industry Canada, Gatineau, Quebec (Oct. 14, 2004).
- “Saving Section 2: Provisional Observations,” Federal Trade Commission, Washington, DC (Jul. 13, 2004); School of Public Affairs, Baruch College, New York, NY (Mar. 3, 2005); Eastern Economic Association, New York, NY (Mar. 4, 2005); 3<sup>rd</sup> International Industrial Organization Conference, Atlanta, GA (Apr. 9, 2005); National Association of Attorneys General Antitrust Seminar, Denver, CO (Sep. 28, 2005).
- “Competition Policy Post-Privatization,” International Law Institute, Washington DC (Jun. 11, 2004, Oct. 14, 2005).
- “Flight of the Flamingo: Using Competition Law to Open Postal Markets,” 12<sup>th</sup> Conference on Postal and Delivery Economics, Center for Research in Regulated Industries, Rutgers University, Cork, Ireland (Jun. 4, 2004).
- “Pricing Issues in Electricity Generation and Local Telecommunications,” Declining Marginal Cost Industries in the Global Information Age, Competitive Enterprise Institute, Washington, DC (May 7, 2004).
- “Vertical Market Power’ as Oxymoron: Comments on Vertical Merger Guidelines,” George Mason Law Review 2004 Antitrust and Consumer Protection Symposium, Washington, DC (Mar. 2, 2004).
- “Implementing Electricity Policy,” Georgetown Public Policy Institute, Washington, DC (Nov. 22, 2003).
- “Regulation and Competition as Complements,” Center for Research in Regulated Industries, Rutgers University, Newark, NJ (Oct. 24, 2003); Rutgers University Center For Research in Regulated Industries, 23<sup>rd</sup> Conference in Advanced Regulatory Economics, Skytop, PA (May 19, 2004).
- “Electricity Markets: What Makes Them So Difficult?” National Economists Club, Washington, DC (Sep. 25, 2003).
- “Understanding Capacity Requirements,” Rutgers University Center For Research in Regulated Industries, 16<sup>th</sup> Western Conference in Advanced Regulatory Economics, San Diego, CA (June 27, 2003).
- “Fair Use as Policy Instrument,” Society for Economic Research on Copyright Issues, Annual Congress, Northampton, MA (June 19, 2003).
- “Mismeasuring Electricity Market Power: The Perils of Price-Cost Margins,” Rutgers University Center For Research in Regulated Industries, 22<sup>nd</sup> Conference in Advanced Regulatory Economics, Skytop, PA (May 21, 2003); School of Business, University of Alberta, Edmonton, Alberta (Oct. 10, 2003); International Industrial Organization Society Conference, Chicago, IL (Apr. 24, 2004); Economic Analysis Group, Antitrust Division, U.S. Department of Justice, Washington, DC (May 4, 2004).
- Panelist, “U.S. v. Microsoft, Where Do We Go From Here?” International Industrial Organization Society Conference, Boston, MA (Apr. 5, 2003).
- “Inherently Inalienable: The Normative Role of Rights in Social Policy,” Association for Social Economics, New York, NY (Feb. 22, 2003).

- “Political Economy and the Efficiency of Compensation for Regulatory Takings,” Eastern Economic Association, New York, NY (Feb. 21, 2003); Association for Public Policy Analysis and Management, Washington, DC (Nov. 8, 2003); Department of Economics, University of Auckland, Auckland, NZ (Mar. 21, 2005).
- “State and Federal Roles in Facilitating Retail Electricity Competition,” Regional Transmission Organizations: Restructuring Electricity Transmission, Van Horne Institute, Center for Regulatory Affairs and Canadian Institute of Resources Law, University of Calgary, Calgary, Alberta (Sep. 27, 2002).
- “Opening Electricity Markets: Lessons from the U.S. Experience,” Symposium on Power Trading and the Role of Government, Deutsche Hochschule für Verwaltungswissenschaften Speyer (German University of Administrative Sciences-Speyer), Speyer, Germany (Jun. 25, 2002); Institute for Policy Studies, Johns Hopkins University (Oct. 7, 2002).
- “Market Failures in Real-Time Metering: A Theoretical Look,” Rutgers University Center For Research in Regulated Industries, 15<sup>th</sup> Western Conference in Advanced Regulatory Economics, South Lake Tahoe, CA (June 20, 2002).
- “Challenges in Deregulating Electricity: Drawing the Right Lessons from California,” EPCOR Distinguished Lecture, Center for Applied Business Research in Energy and the Environment, School of Business, University of Alberta, Edmonton, Alberta (Oct. 4, 2001); Department of Economics and Faculty of Social Science, University of Calgary, Calgary, Alberta (Mar. 1, 2002); Symposium: Is Government Zapping Our Energy? William-Smith Lectures on Private Enterprise and Democracy, Oberlin College, Oberlin, OH (Mar. 9, 2002); Annual Energy Outlook/National Energy Modeling System Conference, Energy Information Administration, U.S. Department of Energy, Crystal City, VA (Mar. 12, 2002); Nitze School of Advanced International Studies, Johns Hopkins University, Washington, DC (Mar. 13, 2002).
- “Vertical Market Power’ As Oxymoron: Getting Convergence Mergers Right,” Rutgers University Center For Research in Regulated Industries, 14<sup>th</sup> Western Conference in Advanced Regulatory Economics, San Diego, CA (June 28, 2001).
- “To Squeeze or Not To Squeeze: Why Put Vertical Claims Into Horizontal Boxes,” for panel on “Raising Rivals’ Costs: Should the Government Be Concerned?” Association for the Bar of the City of New York, New York, NY (Apr. 19, 2001); Competition Bureau, Industry Canada, Hull, Quebec (Dec. 6, 2001).
- “Correcting Abuses of Dominance: Controlling Conduct and Altering Structure,” principal speaker, “Symposium: Pyrrhic Victories: Reexamining the Effectiveness of Antitrust Remedies,” George Washington University School of Law, Washington, DC (Mar. 23, 2001).
- “U.S. Electricity Competition, 2000-01: Background and Lessons,” Efficiency and Fairness in the Competitive Economy, Mansfield Center for Pacific Affairs, Washington, DC (Mar. 19, 2001); Learning in Retirement Institute, George Mason University, Fairfax, VA (Apr. 24, 2001), U.S.-Asia Environmental Partnership, Washington, DC (Sep. 26, 2001).
- “The California Electricity Experience, 2000-01: Education or Diversion?” McGee Lecture in Public Policy, Owen School of Business, Vanderbilt University, Nashville, TN (Mar. 1, 2001); Rutgers University Center For Research in Regulated Industries, 20<sup>th</sup> Annual Conference in Advanced Regulatory Economics, Tamiment, PA (May 24, 2001).
- “Implementing Electricity Competition: What Can We Learn From California?” School of Public Affairs, Baruch College, New York, NY (Feb. 9, 2001).
- “Economists, Economics, and Jurisprudence: Notes on *Browner v. American Trucking Association*,” Resources for the Future, Washington, DC (Nov. 28, 2000).

- “Traditional Policy Analysis and the New Economy,” Association for Public Policy Analysis and Management, Seattle, WA (Nov. 2, 2000).
- “Implementing Electricity Restructuring: Background, Issues, Controversies, and Assessment,” Department of Energy, Environmental, and Mineral Economics, Penn State University, University Park, PA (Oct. 27, 2000).
- “Convergence Mergers as Horizontal Mergers: Why and How,” Department of Energy, Energy Information Administration, Washington DC (Oct. 24, 2000).
- “Policy Federalism and Regulating Broadband Internet Access,” Rutgers University Center For Research in Regulated Industries, 13<sup>th</sup> Western Conference, Monterey, CA (July 7, 2000); International Communications Forecasting Conference, Seattle, WA (Sep. 28, 2000).
- “Green Preferences as Environmental Policy,” Rutgers University Center for Research in Regulated Industries, 19<sup>th</sup> Eastern Conference, Bolton Landing, NY (May 25, 2000); Eastern Economic Association, New York, NY (Mar. 4, 2005).
- “Do Easy Cases Make Bad Law? Antitrust Innovation or Missed Opportunities in *U.S. v. Microsoft*,” Northwestern University, Evanston, IL (Mar. 9, 2000); University of Maryland Baltimore County (April 18, 2000); Energy Information Administration, U.S. Department of Energy, Washington, DC (May 9, 2000); Economists, Inc., Washington, DC (July 25, 2000); International Association of Energy Economists, Library of Congress, Washington, DC (Sep. 15, 2000); Federal Communications Commission, Washington, DC (Oct. 4, 2000); Public Policy Workshop, George Washington University, Washington, DC (Oct. 18, 2000); Resources for the Future, Washington, DC (Feb. 7, 2001); American Bar Association Antitrust Section, Economics and Computer Industry Committees, Washington, DC (Feb. 21, 2001); Department of Economics, Vanderbilt University, Nashville, TN (Mar. 2, 2001); Department of Economics, West Virginia University, Morgantown, WV (Apr. 6, 2001); Learning in Retirement Institute, George Mason University, Fairfax, VA (Sep. 25, 2001); School of Business, University of Alberta, Edmonton, Alberta (Oct. 5, 2001); School of Public Affairs, Baruch College, New York, NY (Nov. 9, 2001); Competition Bureau, Industry Canada, Hull, Quebec (Dec. 7, 2001).
- “Implementing Electricity Competition: Policy Problems to Solve,” Efficiency and Fairness in the Competitive Economy Program, Mansfield Center for Pacific Affairs, Brookings Institution, Washington, DC (Mar. 7, 2000), Bonneville Power Administration Washington Program, Resources for the Future, Washington DC (Jun. 19, 2000).
- “Antitrust Policy: Theoretical Advances and Policy Cycles,” World Bank, Washington, DC (Nov. 17, 1999).
- “Price Regulation and Privatization: The Case of Chile,” World Bank, Washington, DC (Nov. 12, 1999).
- “Price Regulation: Received Insights and Recent Advances,” World Bank, Washington, DC (Nov. 12, 1999)
- “Why is Electricity Competition So Thorny?” George Mason University (Oct. 25, 1999); Resources for the Future, Washington, DC (July 28, 1999).
- “Updating *A Shock To The System*: New Developments in Electricity Restructuring,” Energy Information Administration, Department of Energy, Washington, DC (July 13, 1999); Resources for the Future, Washington, DC (May 10, 1999).
- “Do Lower Prices for Polluting Goods Make Environmental Externalities Worse?” Rutgers University Center For Research in Regulated Industries, 12<sup>th</sup> Western Conference, San Diego, CA (July 8, 1999).

- “Current Controversies: The Who, What, When and Why of Electricity Restructuring,” Middle Tennessee State University, Electricity Deregulation Symposium, Murfreesboro, TN (Mar. 30, 1999).
- “Vertical Excuses for Horizontal Practices: Should There Be Any *Per Se* Antitrust Rules?” American Economic Association Meetings, New York, NY (Jan. 5, 1999).
- “Deregulatory Policy in Telecommunications: Quandary or Oxymoron?” Cato Institute, Washington, DC (Nov. 5, 1998).
- “Promoting Telephone Competition: A Simpler Way?” School of Public Affairs, Baruch College, CUNY, New York, NY (Feb. 8, 1999); Center for the Study of Public Choice, George Mason University, Fairfax, VA (Nov. 10, 1998), Federal Communications Commission, Washington, DC (Nov. 4, 1998), 26th Telecommunications Policy Research Conference, Alexandria, VA (Oct. 4, 1998).
- “Critical Issues in Electricity Restructuring: Lessons and Policy Implications of Emerging Markets in New England and Elsewhere,” Alliance for Competitive Electricity, U.S. Capitol, Washington, DC (July 27, 1998).
- “Demand-Side Management Programs Under Retail Electricity Competition,” World Bank, Private Participation in Infrastructure Group, Washington, DC (Mar. 25, 1999); Department of Energy, Electricity Working Group, Washington, DC (Mar. 16, 1999); University of California Energy Institute, POWER Conference, Berkeley, CA (Mar. 5, 1999), Rutgers University Center For Research in Regulated Industries, 11<sup>th</sup> Western Conference, Monterey, CA (July 10, 1998).
- “Privatization Scenarios and Policy Issues,” Helium Reserve Committee, National Research Council, Washington, DC (July 6, 1998).
- “Looking Forward: The FCC and the Information Economy,” (panelist with FCC Commissioner H. Furchtgott-Roth and P. Pitsch), Session Eight of *Regulation: Principles, Practice, and Opportunities for Reform*, George Mason University, Longworth House Office Building, Washington, DC (Jun. 19, 1998). Transcript available at <http://www.gmu.edu/jbc>.
- “The Clinton Administration’s Competitive Electricity Competition Plan,” University of Calgary, Calgary, Alberta, Canada (May 8, 1998).
- “Electricity: The Big Policy Shifts,” Knight Center for Specialized Journalism, University of Maryland, College Park, MD (Feb. 16, 1998).
- “Executive Branch Electricity Policy Issues,” Resources for the Future, Washington, DC (Oct. 30, 1997)
- “Lessons of Governance Learned at the Council of Economic Advisers,” Department of Economics, University of Calgary, Calgary, Alberta, Canada (May 8, 1998); Center for Public Choice, George Mason University, Fairfax, VA (Oct. 28, 1997); Department of Economics, University of Maryland Baltimore County, Catonsville, MD (Oct. 6, 1997).
- “Antitrust and Regulation: The Interface in U.S. Telecommunications,” International Telecommunications Society, Calgary, Alberta (Jun. 16, 1997).
- “The Stranded Cost Debate in U.S. Electricity Deregulation,” Van Horne Institute, Calgary, Alberta (Jun. 13, 1997).
- “Electricity Restructuring and the U.S. Antitrust Laws,” TransAlta Corporation, Calgary, Alberta (Jun. 13, 1997).
- “Innovation Data for Public Policy,” National Research Council Workshop on Industrial Research and Innovation Indicators for Public Policy, National Academy of Sciences, Washington, DC (Feb. 28, 1997).

- “RBOC Entry into Long Distance Markets: Questions to Resolve,” Federal Communications Commission, Washington, DC (July 23, 1996).
- “A Philosophical Assessment of ‘Law and Economics’: Policy Norms and Judicial Contexts,” Fünftes Travemünder Symposium zur Ökonomischen Analyse des Rechts, Travemünde, Germany (Mar. 30, 1996).
- “The Information Infrastructure Task Force White Paper: An Economic Perspective,” Conference on Property and Commons in the Age of Information, Virginia Polytechnic Institute, Blacksburg, VA (Mar. 16, 1996).
- “Technology and Coordination: Antitrust Implications of Remote Sensing Satellites,” Symposium: High Technology, Antitrust, and the Regulation of Competition, Harvard Law School, Cambridge, MA (Mar. 9, 1996).
- “Regulated Firms in Unregulated Markets,” before Canadian Senate Standing Committee on Transport and Communications, Washington, DC (Nov. 15, 1995).
- “What’s ‘New’ In Industrial Organization?” U.S. Agency for International Development, Annapolis, MD (Sep. 14, 1995).
- “ACCORD: An Internet Testbed Community for Coordinating Digital Technology and Academic Resource Development” (with Mary Keeler), Interoperability and the Economics of Information Infrastructure Workshop, Freedom Forum, Rosslyn, VA (Jul. 6, 1995).
- “Compensation for Regulation: Efficiency, Political Economy, and Equity in the Law,” (with James Boyd), 11<sup>th</sup> Annual AERE Workshop, Annapolis, MD (Jun. 5, 1995); Center for Public Choice, George Mason University (Sept. 26, 1995); Department of Economics, Louisiana State University (Nov. 3, 1995).
- “From Here to Eternity or Gone With the Wind: Does the Theory Behind U.S. v. AT&T Still Apply today?” 14<sup>th</sup> Annual Eastern Workshop in Advanced Regulatory Economics, Newport, RI (May 26, 1995); Association for Education in Journalism and Mass Communications, Washington, DC (Aug. 9, 1995); Telecommunications Policy Research Conference, Solomon’s Island, MD (Oct. 1, 1995); Industry Canada-Competition Bureau, Aylmer, Quebec (Nov. 17, 1995); Federal Communications Commission, Office of General Counsel-Competition Division (Nov. 29, 1995).
- “Stranded Assets,” Resources for the Future Council, Carmel, CA (Apr. 6, 1995).
- “Market Failure and Policy Failure,” Office of Technology Assessment, Washington, DC (Feb. 15, 1995).
- “The Economics of Regulation” and “U.S. v. AT&T,” Institutional Reform and the Informal Sector presentation to a delegation from the Russian Duma and State Committee for Anti-Monopoly Policy, Washington, DC (Sept. 1-2, 1994, Oct. 7, 1994).
- “Game Theory and the First Amendment: Strategic Implications of Freedom of the Press,” Joan Shorenstein Barone Center on the Press, Politics and Public Policy, John F. Kennedy School of Government, Harvard University, Cambridge, MA (Mar. 14<sup>th</sup>, 1994); Telecommunications Policy Research Conference, Solomon’s Island, MD (Oct. 2, 1994).
- “Two Kinds of Commensurability,” American Economic Association/Association for Social Economics, Boston, MA (Jan. 3, 1994).
- “Market Competition: An Economic Analysis,” *RBOC Regulatory Relief: Strategic Positioning for the Inevitable*, Telestrategies, Inc., Rosslyn, VA (Sept. 2<sup>nd</sup>, 1993).
- “The Economics of Regulation in Emerging Market Economies,” World Bank Economic Development Institute/US Agency for International Development Seminar on Microeconomics:

Regulation, Structure, and Pricing Decisions of Natural Monopolies, Vienna, Austria (July 5, 1993).

“Looking at Privatization,” Association of School Business Officials, Cockeysville, MD (1992).

“Discrimination, in Theory, by Diversified Regulated Firms,” Telecommunications Policy Research Conference, Solomon’s Island, MD (1992); Southern Economic Association, New Orleans, LA (Nov. 18, 1995).

“Comment: The Filière Électronique and Civil Society,” Columbia Institute for Tele-Information, Columbia University, New York, NY (1992).

“First Amendment Rights and Property Rights,” Annenberg School for Communication, University of Southern California, Los Angeles, CA (Oct. 31, 1991), Telecommunications Policy Research Conference, Solomon’s Island, MD (1992).

“Whither the Tunney Act: Remarks on Judge Greene’s Ruling to Lift the Line-of-Business Restriction on BOC Offering of Information Services,” Columbia Institute for Tele-Information, Columbia University, New York, NY (1991).

“Markets, Information, and Virtue,” Western Social Science Association meetings, Sparks, Nevada (1991).

“Economic Perspectives on the First Amendment,” Freedom of Expression Past, Present and Future, Marshall-Wyeth School of Law, The College of William and Mary (1991).

“Social Moral Hazard: Technology, Paternalism, and Choice,” Department of Economics, George Mason University, Fairfax, VA (1990).

“Rights as Inalienable,” University of Maryland School of Law, Baltimore, MD (1990); Resources for the Future, Washington, DC (1990).

### Reports and Institutional Publications:

“Consumer Preference Not to Choose: Methodology and Policy Implications,” Resources for the Future Discussion Paper 05-51 (2005), available at <http://www.rff.org/Documents/RFF-DP-05-51.pdf>.

“Alleged Transmission Undersupply: Is Restructuring the Cure or the Cause?” Resources for the Future Discussion Paper 05-50 (2005), available at <http://www.rff.org/Documents/RFF-DP-05-50.pdf>.

“Saving Section 2: Reframing Monopolization Law,” AEI-Brookings Joint Center for Regulatory Studies Related Publication 05-27 (2005), available at <http://www.aei-brookings.org/admin/authorpdfs/page.php?id=1202>.

“Competition as an Entry Barrier? Consumer and Total Welfare Effects of Bundling,” AEI-Brookings Joint Center for Regulatory Studies Related Publication 05-08 (2005), available at <http://www.aei-brookings.org/publications/abstract.php?pid=944>.

“Electricity Capacity Requirements: Who Pays,” Resources for the Future Discussion Paper 03-39 (2003), available at <http://www.rff.org/Documents/RFF-DP-03-39.pdf>.

“State and Federal Roles in Facilitating Electricity Competition: Legal and Economic Perspectives in the Electricity Sector,” Resources for the Future Discussion Paper 03-24 (2003), available at [http://www.rff.org/disc\\_papers/PDF\\_files/0324.pdf](http://www.rff.org/disc_papers/PDF_files/0324.pdf); also Harvard Electricity Policy Group, Kennedy School of Government, Harvard University, available at [http://www.ksg.harvard.edu/hepg/Papers/Brennan\\_state.federal.roles.elec.restruc\\_4-03.pdf](http://www.ksg.harvard.edu/hepg/Papers/Brennan_state.federal.roles.elec.restruc_4-03.pdf).

“Do Easy Cases Make Bad Law? Antitrust Innovations or Missed Opportunities in *United States v. Microsoft*,” AEI-Brookings Joint Center for Regulatory Studies Related Publication, available at <http://www.aei-brookings.org/publications/abstract.php?pid=249>.

- “Market Failures in Real-Time Metering: A Theoretical Look,” Resources for the Future Discussion Paper 02-53 (2002), available at [http://www.rff.org/disc\\_papers/PDF\\_files/0253.pdf](http://www.rff.org/disc_papers/PDF_files/0253.pdf).
- “Preventing Monopoly or Discouraging Competition? The Perils of Price-Cost Tests for Market Power in Electricity,” Resources for the Future Discussion Paper 02-50 (2002), available at [http://www.rff.org/disc\\_papers/PDF\\_files/0250.pdf](http://www.rff.org/disc_papers/PDF_files/0250.pdf).
- “Do Easy Cases Make Bad Law? Antitrust Innovation or Missed Opportunities in U.S. v. Microsoft,” AEI-Brookings Joint Center for Regulatory Studies (2002), available at [http://aei.brookings.org/admin/pdffiles/related\\_02\\_08.pdf](http://aei.brookings.org/admin/pdffiles/related_02_08.pdf).
- “Checking for Market Power in Electricity: The Perils of Price-Cost Margins,” Institute for Policy Analysis (Australia), (2002), available at <http://www.ipa.org.au/pubs/Moranwebpapers/brennan.pdf>
- “Vertical Market Power” as Oxymoron: Getting Convergence Mergers Right,” Resources for the Future Discussion Paper 01-39 (2001), available at [http://www.rff.org/disc\\_papers/PDF\\_files/0139.pdf](http://www.rff.org/disc_papers/PDF_files/0139.pdf)
- “Green Preferences as Regulatory Policy,” Resources for the Future Discussion Paper 01-01 (2000), available at [http://www.rff.org/disc\\_papers/PDF\\_files/0101.pdf](http://www.rff.org/disc_papers/PDF_files/0101.pdf).
- “The Economics of Competition Policy: Recent Developments and Cautionary Notes in Antitrust and Regulation,” Resources for the Future Discussion Paper 00-07 (2000), available at [http://www.rff.org/disc\\_papers/PDF\\_files/0007.pdf](http://www.rff.org/disc_papers/PDF_files/0007.pdf).
- “Do Lower Prices for Polluting Goods Make Environmental Externalities Worse?” Resources for the Future Discussion Paper 99-40 (1999), available at [http://www.rff.org/disc\\_papers/PDF\\_files/9940.pdf](http://www.rff.org/disc_papers/PDF_files/9940.pdf).
- “Demand-Side Management Programs Under Retail Electricity Competition,” Resources for the Future Discussion Paper 99-02 (1998), available at [http://www.rff.org/disc\\_papers/PDF\\_files/9902.pdf](http://www.rff.org/disc_papers/PDF_files/9902.pdf).
- “Transforming Power Markets: The Clinton Administration’s ‘Comprehensive Electricity Comprehension Plan,’” Resources for the Future, (1998), available at [http://www.rff.org/misc\\_docs/brennan\\_oped.htm](http://www.rff.org/misc_docs/brennan_oped.htm).
- “Enforcing Environmental Regulation: Implications of Remote Sensing Technology,” (with Molly K. Macauley), Resources for the Future Discussion Paper 98-33 (1998), available at [http://www.rff.org/disc\\_papers/PDF\\_files/9833.pdf](http://www.rff.org/disc_papers/PDF_files/9833.pdf).
- “Making Sense of the Telecommunications Act of 1996,” Center for Research on Telecommunications Policy Working Paper CRTP-34, Haas School of Business, University of California, Berkeley (1996).
- “Political Economy and the Efficiency of Compensation for Takings” (with James Boyd), Resources for the Future Discussion Paper 95-28 (1995).
- “Is Cost-of-Service Regulation Worth the Cost?” Economic Analysis Group Discussion Paper 93-9, Antitrust Division, U.S. Dept. of Justice (1993); presented at the 13<sup>th</sup> Annual Rutgers University Conference/Advanced Workshop in Regulation and Public Utility Economics, Newport, RI (May 25, 1994).
- “Market Failure and Public Policy Toward Telecommunications Infrastructures,” Office of Technology Assessment, Washington, DC (1993).
- “Comparing the Costs and Benefits of Diversification by Regulated Firms” (with Karen Palmer), Quality of the Environment Division Discussion Paper QE92-02, Resources for the Future, Washington, DC (1992).

- “Economic Theory in Industrial Policy: Lessons From U.S. v. AT&T,” Graduate Institute for Policy Education and Research Working Paper 1989-1, George Washington University (1989).
- “Refusal to Cooperate with Competitors: A Theory of Horizontal Boycotts,” Economic Analysis Group Discussion Paper 89-1, Antitrust Division, U.S. Dept. of Justice (1989).
- “Regulating by ‘Capping’ Prices,” Economic Analysis Group Discussion Paper 88-11, Antitrust Division, U.S. Dept. of Justice (1988) [presented at Bell Labs and before the International Telecommunications Society, Cambridge, MA].
- “Moral Rights, Public Policy Debate, and Right Holder Inalienability,” Graduate Institute for Policy Education and Research Working Paper 1988-6, George Washington University (1988).
- “Capping ‘Average’ Prices of Regulated Multiproduct Firms,” Department of Economics, Economics Discussion Paper D-8718, George Washington University, (1987) [on file, Federal Communications Commission, CC Docket 87-313: “Policy and Rules Concerning Rates for Dominant Carriers”].
- “The ‘Fairness Doctrine’ in Broadcasting: Philosophical and Economic Perspectives,” Economics Discussion Paper D-8709, Department of Economics, George Washington University (1987).
- “Cross-Subsidization and Discrimination by Regulated Monopolists,” Economic Analysis Group Discussion Paper 87-2, Antitrust Division, U.S. Dept. of Justice (1987) [presented, Southern Economic Association meetings, Nov. 23, 1987].
- “Liability Rules and Quality Choice: Are There Too Many BMWs on The Road?” Economics Discussion Paper D-8704, Department of Economics, George Washington University (1987).
- “Taxing Home Audio Taping,” Economic Analysis Group Discussion Paper 86-6, Antitrust Division, U.S. Dept. of Justice (1986).

### **Official Publications (Major Antitrust Division Regulatory Filings):**

#### **Before the Federal Communications Commission:**

##### **Broadcasting:**

- “Amendment of Part 76 of the Commission’s Rules Concerning Carriage of Television Broadcast Signals by Cable Television Systems,” MM Docket No. 85-349, Jan. 30, 1986.
- “Regional Concentration of Control Provisions of the Commission’s Multiple Ownership Rules,” MM Docket No. 84-19, Feb. 21, 1984.
- “Multiple Ownership of AM, FM, and Television Broadcast Stations,” Gen. Docket No. 83-1009, Jan. 19, 1984 (reply comments, Feb. 21, 1984).
- “Amendment of the Financial Interest and Syndication Rule,” BC Docket No. 82-345, Jan. 26, 1983 (reply comments, Apr. 26, 1983; Comments on FCC Tentative Decision, Sept. 20, 1983)—with Sheldon Kimmel.
- “Amendment of the Commission’s Rules and Regulations Relative to Elimination of the Prohibition on Common Ownership of Cable Television Systems and National Television Networks,” CT Docket No. 82-434, Nov. 29, 1982.
- “An Inquiry Into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System,” Docket No. 78-253, Mar. 2, 1981.

##### **Common Carrier:**

- “Long-Run Regulation of AT&T’s Basic Domestic Interstate Services,” CC Docket No. 83-1147, Apr. 2, 1984 (reply comments, Jun. 4, 1984).
- “Policy and Rules Concerning the Furnishing of Customer Premises Equipment, Enhanced Services, and Cellular Communications Services by the Bell Operating Companies,” CC Docket No. 83-115, Apr. 25, 1983.

“MTS and WATS Market Structure” (on pricing of telephone service), CC Docket No. 78-72, Aug. 6, 1982 (reply comments, Sep. 13, 1982)—with Thomas C. Spavins.

“An Inquiry into the Use of the Bands 825-845 MHz and 870-890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission’s Rules Relative to Cellular Communications Systems,” CC Docket No. 79-318, Jun. 19, 1981.

“Elimination of Telephone Company-Cable Television Cross Ownership Rules for Rural Areas,” Docket No. 80-767, Apr. 6, 1981.

**Before the Consumer Product Safety Commission:**

“Proposed Methodology for Commission Consideration of Findings Under Section 9(c) of the Consumer Product Safety Act” (on standards for product regulation), Mar. 24, 1981.

**Before the Department of Energy, Economic Regulatory Administration:**

“Domestic Crude Oil Entitlements,” Docket No. ERA-R-80-36, Dec. 30, 1980.

“Motor Gasoline Allocation Revision and Mandatory Petroleum Price Regulations, Equal Application Rule,” Docket Nos. ERA-R-80-16 and ERA-R-80-20, Sep. 10, 1980.

“Gasohol Pricing and Allocation,” Docket No. ERA-R-80-11, Jul. 21, 1980.

“Alaska North Slope Crude Oil Entitlements,” Docket No. ERA-R-80-09, Jun. 13, 1980.

**Before the Federal Energy Regulatory Commission:**

“Trans-Alaska Pipeline System,” Docket No. OR78-1:

- a. Supplemental Reply Brief of U.S. Dept. of Justice on Capital Structure, Rate of Return, Taxes, and Tariff, Jul. 9, 1979;
- b. Supplemental Initial Brief on Exceptions of U.S. Dept. of Justice on Risk, Rate of Return, Taxes, and Tariff, May 1, 1980;
- c. Supplemental Reply Brief on Exceptions of U.S. Dept. of Justice, Jun. 2, 1980.