



Unprofitable Mobile Telephony S

Home About Us Events Subscribe Discussion Forum

SEARCH

Whole Site

Advanced Search



- Home
- News
- Today's Top Stories
- AN Weekly
- Online Exclusives
- Press Releases
- Departments
- Policy
- Wireless
- Broadband access
- Business
- Applications
- Backbone
- OSS
- Commentary
- Data centers
- Advanstar Telecom
- Community
- Telecom Asia
- RNT
- Telepress
- Latinoamerica
- The Euronet
- Custom Publishing
- Resource Centers
- Events Calendar
- Organizations
- SMS Wireless Index
- White Papers



- Reader Resources
- Magazine Subscription
- Circulation Information
- Magazine Archive
- Weekly Newsletter Archive
- Advertiser Resources

E-mail This Page

Sensenbrenner warns of "swift and decisive" action in antitrust case

November 10, 2003
By: [Shira Levine](#)
America's Network Weekly



(WASHINGTON, D.C.) If the U.S. Supreme Court rules that competitive carriers cannot sue ILECs for violations of antitrust law, there will be a "swift and decisive response from the Judiciary Committee and Congress," House Judiciary Committee Chairman James Sensenbrenner (R-Wisc.) warned last week.

"If Verizon's position [in Verizon v Trinko] is affirmed by the Supreme Court, there will have to be a statutory remedy to overturn that decision," he said at a symposium held by the Phoenix Center.

Verizon v. Trinko is an antitrust lawsuit originally filed against the former Bell Atlantic by Curtis Trinko, an AT&T customer who claimed that the RBOC's anticompetitive behavior was harming customers. The district court of New York ruled that Trinko lacked standing to sue for antitrust violations, but a circuit court overturned that decision. Verizon appealed to the Supreme Court, which heard the case in October.

Industry members hope that the Court's decision on the Trinko case—which is just one of several antitrust lawsuits that are currently making their way through the legal system—will settle the question of whether competition-related disputes should be resolved by regulators or in the courts. Some argue that by passing the Telecom Act, Congress intended the Federal Communications Commission and state regulatory bodies to handle competition-related disputes, not the courts. Goldwasser v Ameritech, a 2000 circuit court decision, seemed to back that claim by ruling that telecom antitrust claims fall under the jurisdiction of the FCC.

However, 601b1 of the Act is a "savings clause," which states that nothing in the Act "should be contributed to modify, impair or supercede the applicability of the antitrust laws."

"In passing the 1996 Act, Congress emphatically did not intend to create an antitrust safe harbor in which monopolists could violate the antitrust laws with impunity," Sensenbrenner said.

But other speakers at the event warned that there are dangers in relying on antitrust law to resolve competitive issues. John Thorne, deputy

NEWS ANALY

- [Sensenbrenne "swift and deci antitrust case](#)
- [ANALYSIS: W from an enterp recovery?](#)
- [ANALYSIS: Le carriers have r in WLNP era](#)
- [ILECs, CLECs reported lobby](#)

BPA Statement
Media Kit
Classifieds and
Recruitment Ads

Marketing Services
Lists
Reprints

Talk to Us
Contact Sales
Contact Editors



general counsel at Verizon, said that while telecom carriers should not be exempt from antitrust requirements, resolving disputes through antitrust law could have significant consequences.

"Antitrust law applies to all industries," he said. "It doesn't just apply to telecom. If you start applying antitrust duties to lawful monopolies, you are affecting all US industries."

And Julian Epstein, principle of LawMedia Group, cautioned that regulatory definitions can differ significantly from the definitions used in antitrust law. "A relevant market in antitrust may be different from a relevant market in the regulatory environment," he said. "Regulatory policy by its nature is a forward-looking mechanism, while antitrust law is generally a backward-looking mechanism."

About the Author



Shira Levine

Executive Editor, Network Management, Regulatory Natic

About Shira Levine

email: slevine@americasnetwork.com

[See more articles by Shira Levine](#)



Fully ov
 185,000
 backbo

89 SDH/
 PoPs
 worldw

Offices
 65 coun

NEWSLETTER

Su
 An
 Ne
 mail



[About Us](#) | [Contact Us](#) | [Search](#) | [Privacy Policy](#)

© 2002 - 2003 Advanstar Communications. All rights reserved.

Reproduction in whole or in part is prohibited.

Please send any technical comments or questions to our webmaster.