From Box 169636365

"BPA Legislation"

6/16/00

- Dick Price → 802-2044 -
- Noerr-Pennington Doctrine -
can petition govt. for ~~contrts~~ an anticompetitive result
ABA Treatise
- Tariff initiated by Govt agency -
can petition for particular result
Exceptions: if conspiring ahead of time to allocate customers or service territory - Enron haven't been conspiring
If tariff doesn't get much scrutiny
If anyone can come in & ask them to set up the tariff - separate from FERC overview
This defense would get Enron out of lawsuit if no ~~conspiracy~~ conspiracy if Enron is part of.