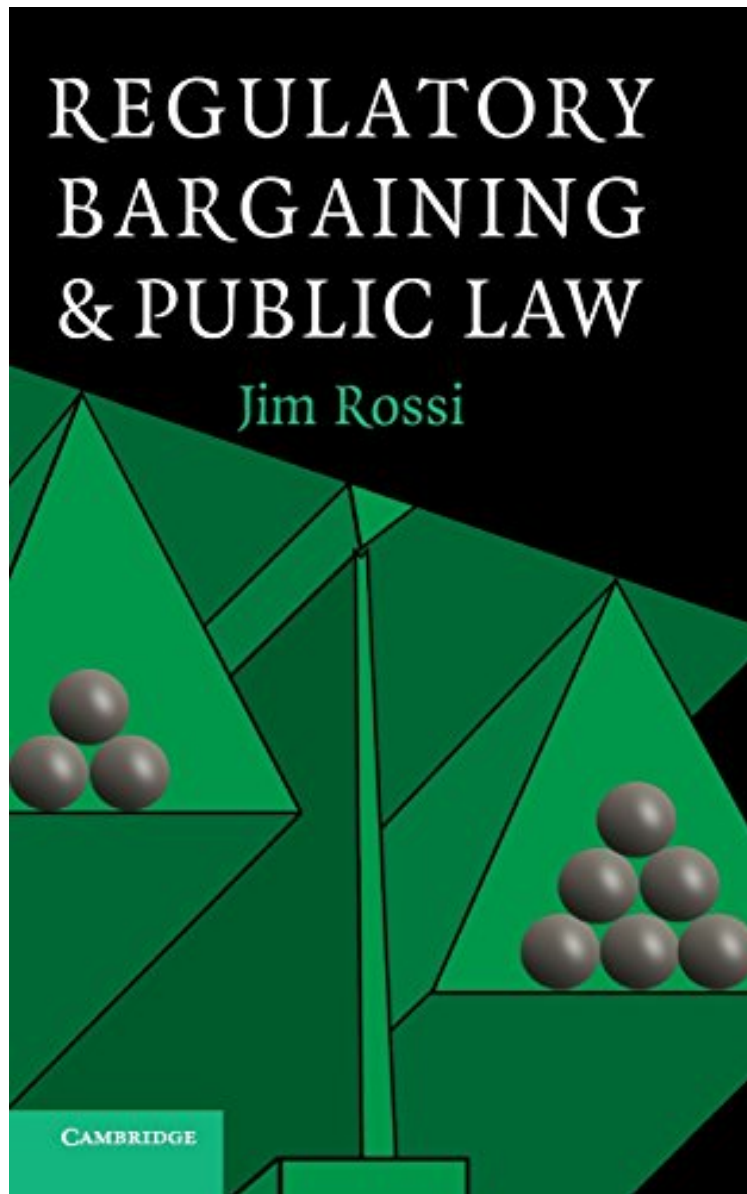


[Download] Regulatory Bargaining and Public Law

Regulatory Bargaining and Public Law

Jim Rossi

*DOC | *audiobook | ebooks | Download PDF | ePub*



DOWNLOAD



READ ONLINE

#7901006 in Books Cambridge University Press 2005-06-06 Original language: English PDF # 1 8.98 x .83 x 5.981, 1.10 #File Name: 0521838924290 pages | File size: 39.Mb

Jim Rossi : Regulatory Bargaining and Public Law before purchasing it in order to gauge whether or not it would be worth my time, and all praised Regulatory Bargaining and Public Law:

5 of 6 people found the following review helpful. A refreshing perspective on "deregulation" By Robert Rossi is one of the leading legal scholars writing on regulated industries in the U.S. His account of deregulation turns the conventional wisdom on its head. Rather than blame markets for harming consumers, Rossi places some blame with government

and, in particular, with 'public law' (legislators and courts). His main suggestion is that courts need to pay attention to how deregulation fundamentally changes the bargaining conditions under which regulation is formed. This has implications for legal doctrines such as the filed rate doctrine, federalism, constitutional takings, etc. Rossi thoroughly surveys how a bargaining perspective calls into question the operation of many of these doctrines under "deregulation" conditions, which also has implications for regulatory change more generally. Rossi's approach is refreshing. It blends a contract approach with institutional analysis, which may have implications for law as well as economics and political science analysis of regulation. I am not convinced by all of his proposals (for instance, letting states take the lead in implementing deregulation in the U.S. seems odd to me), but Rossi has reasons to support all of them and an interesting conceptual way of shedding light on a new set of issues. Rossi is not an economist, but this book raises many questions which could be studied in a much more rigorous manner by those who have the tools, and I would recommend it especially for those looking for new and interesting questions in regulated industries. The book also may be of interest to courts and policy makers.

This text explores the implications of a bargaining perspective for institutional governance and public law in deregulated industries such as electric power and telecommunications. Leading media accounts blame deregulated markets for failures in competitive restructuring policies. However, the author argues that governmental institutions, often influenced by private stakeholders, share blame for the defects in deregulated markets. The first part of the book explores the minimal role that judicial intervention played for much of the twentieth century in public utility industries and how deregulation presents fresh opportunities and challenges for public law. The second part of the book explores the role of public law in a deregulatory environment, focusing on the positive and negative incentives it creates for the behavior of private stakeholders and public institutions in a bargaining-focused political process.

"The Strength of Regulatory Bargaining and Public Law resides in Professor Rossi's expert analysis of how existing public law doctrine must be assessed during this period of regulatory transition or deregulation. [It] will prove beneficial to scholars and practitioners of law, economics, and political science because it provides a valuable approach to understanding administrative law generally and economic regulation more generally." - Joseph Tomain, Dean Emeritus and Ziegler Professor of Law, University of Cincinnati College of Law
From the Back Cover
Praise for Regulatory Bargaining and Public Law (Cambridge University Press 2005)
Regulatory Bargaining and Public Law is a must-read for anyone with a serious interest in the modern law of regulation. Rossi analyzes the new forms of regulation misnamed "deregulation" in the popular press and in much academic work using techniques originally developed for analyzing contracts. Rossi's approach yields fresh, new insights. - Matthew Spitzer, University of Southern California School of Law
Jim Rossi has thought long and creatively about the role of courts in our evolving deregulated economy. He warns against a "deference trap" leading courts to passive roles in conflicts involving political institutions like regulatory agencies and states. When doctrines like the filed rate doctrine, the dormant commerce clause, state action immunity from antitrust, and federal preemption traditionally signal "hands off" to the courts, a new sensitivity to incentives and the context of institutional bargaining are sorely needed. - Judge Richard D. Cudahy, U.S. Court of Appeals for the 7th Circuit
As Professor Rossi shows, the term "deregulation" may be the greatest misnomer in the legal lexicon, for rather than eliminating regulation it replaces one regulatory scheme with a new and even more complex one. Regulatory Bargaining and Public Law analyzes the resulting interactions between regulators, industry, and other groups, demonstrating that these interactions can either further or frustrate the goal of consumer welfare. Public policy analysts, legal scholars, and students of political economy will all find the book an invaluable resource. - Daniel Farber, University of California, Berkeley
Jim Rossi's Regulatory Bargaining and Public Law should be on the bookshelf of everyone interested in the regulatory process, antitrust, and public law. Beginning with a historical perspective that stretches back to the 1830s and the Charles River Bridge case, Rossi carries our conception of regulated industry away from traditional neoclassical notions of natural monopoly and rate-of-return regulation to more Coasian ideas that each instance of regulation is a special kind of bargain with the sovereign. That is, rather than taking areas of enterprise out of the market, so to speak, regulation is simply a special case of market bargaining. In the process Rossi explores the consequences of deregulation and other alternatives to traditional cost-of-service rate making. Of particular concern is the divergence of public and private interests that can occur when firms and the interests groups aligned with them try to obtain the best deal that they can through the regulatory bargaining process. This model helps Professor Rossi develop a cogent set of explanations for what went wrong in certain cases of deregulatory failure, such as the California electric power crisis. - Herbert Hovenkamp, University of Iowa
About the Author
Jim Rossi is the Harry M. Walborsky Professor and Associate Dean for Research at Florida State University College of Law. He holds an LLM from Yale Law School, along with a JD from the University of Iowa College of Law and a BA in economics from Arizona State University. He has also served as a faculty member at the University of North Carolina, Chapel Hill and has been a visiting faculty member at the University of Texas Law School. A recognized scholar in the fields of administrative and regulatory law, Professor Rossi's publications have appeared in Virginia Law , Michigan Law , Duke Law Journal, Texas Law , Northwestern University Law , Vanderbilt Law , and

Energy Law Journal, among many other journals. He is co-author of the leading textbook on energy law, *Energy, Economics, and the Environment* (2000) and has served for over a decade as a consultant on economics and legal issues in infrastructure industries.