

[a]bsent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest filing, should \* \* \* carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.

United States v. Mid-America Dairymen, Inc., 1977-1 Trade Cas. (CCH) ¶ 61,508, at 71,980 (W.D. Mo. 1977).

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not "engage in an unrestricted evaluation of what relief would best serve the public." United States v. BNS, Inc., 858 F.2d 456, 462 (9th Cir. 1988) (citing United States v. Bechtel Corp., 648 F.2d 660, 666 (9th Cir. 1981); see also Microsoft, 56 F.3d at 1460-62. Precedent requires that the balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is "within the reaches of the public interest." More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.<sup>7</sup>

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. "[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.'" United States v. American Tel. & Tel. Co., 552 F. Supp. 131, 151 (D.D.C. 1982), *aff'd sub nom.*, Maryland v. United States, 460 U.S. 1001 (1983)

court need not invoke any of them unless it believes that the comments have raised significant issues and the further proceedings would aid the court in resolving those issues. See H.R. Rep. 93-1463, 93d Cong. 2d Sess. 8-9 (1974), reprinted in U.S.C.A.N. 6535, 6538.

<sup>7</sup> Bechtel, 648 F.2d at 666 (emphasis added); see BNS, 858 F.2d at 463; United States v. National Broadcasting Co., 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); Gillette, 406 F. Supp. at 716. See also Microsoft, 56 F.3d at 1461 (whether "the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest'").

(quoting Gillette Co., 406 F. Supp. at 716), United States v. Alcan Aluminum Ltd., 605 F. Supp. 619, 622 (W.D. Ky. 1985).

Moreover, the court's role under the Tunney Act is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its complaint, and does not authorize the court to "construct [its] own hypothetical case and then evaluate the decree against that case." Microsoft, 56 F.3d at 1459. Since "[t]he court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place," it follows that the court "is only authorized to review the decree itself," and not to "effectively redraft the complaint" to inquire into other matters that the United States might have but did not pursue. *Id.*

#### VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment. Consequently, the United States has not attached any such materials to the proposed Final Judgment.

Dated: December 22, 1999.

Respectfully submitted,

Joel I. Klein,  
*Assistant Attorney General.*  
A. Douglas Melamed,  
*Principal Deputy Assistant Attorney General.*  
Constance K. Robinson,  
*Director of Operations and Merger Enforcement.*  
Donald J. Russell,  
*Chief, Telecommunications Task Force.*  
Laury E. Bobbish,  
*Assistant Chief, Telecommunications Task Force.*  
Hillary B. Burchuk,  
*D.C. Bar #366755.*  
Lawrence M. Frankel,  
*D.C. Bar #441532.*  
Susan Wittenberg,  
*D.C. Bar #453692.*  
*Trial Attorneys, U.S. Department of Justice,*  
*Antitrust Division, Telecommunications Task Force,*  
*1401 H Street, N.W., Suite 8000,*  
*Washington, DC 20530, (202) 514-5621.*

#### Certificate of Service

I hereby certify that copies of the foregoing Plaintiff United States' Competitive Impact Statement, were served via U.S. Mail, first class postage prepaid, on this 22nd day of December,

1999 upon each of the parties listed below:

John Thorne,  
*Bell Atlantic Corporation, 1320 North Court House Road, Eighth Floor, Arlington, VA 22201, Counsel for Bell Atlantic Corporation.*  
Steven G. Bardbury, Kirkland & Ellis, 655 Fifteenth Street, N.W., Washington, DC 20005, Counsel for GTE Corporation.  
Megan Pierson,  
*AirTouch Communications, Inc., One California Street, San Francisco, CA 94111, Counsel for Vodafone AirTouch Plc.*

**Lawrence M. Frankel,**

*Counsel for Plaintiff.*

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**BILLING CODE 4410-11-M**

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[INS No. 1971-99]

#### Announcement of District Advisory Council on Immigration Matters Eighth Meeting

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice of meeting.

**SUMMARY:** The Immigration and Naturalization Service (Service), has established a District Advisory Council on Immigration Matters (DACOIM) to provide the New York District Director of the Service with recommendations on ways to improve the response and reaction to customers in the local jurisdiction, and to develop new partnerships with local officials and community organizations to build and enhance a broader understanding of immigration policies and practices. The purpose of this notice is to announce the forthcoming meeting.

**DATES AND TIMES:** The eighth meeting of the DACOIM is scheduled for January 27, 2000, at 1 p.m.

**ADDRESSES:** The meeting will be held at the Jacob Javits Federal Building, 26 Federal Plaza, Room 537, New York, New York 10278.

**FOR FURTHER INFORMATION CONTACT:** Christian A. Rodriguez, Designated Federal Officer, Immigration and Naturalization Service, 26 Federal Plaza, Room 14-100, New York, New York, 10278, telephone: (212) 264-0736.

**SUPPLEMENTARY INFORMATION:** Meetings will be held tri-annually on the fourth Thursday during the months of January, May, and September 2000.

#### Summary of Agenda

The purpose of the meeting will be to conduct general business, review

subcommittee reports and facilitate public participation. The DACOIM will be chaired by Charles Troy, Assistant District Director for Management, New York District, Immigration and Naturalization Service.

### Public Participation

The DACOIM meeting is open to the public, but advance notice of attendance is requested to ensure adequate seating. Persons planning to attend should notify the contact person at least two (2) days prior to the meeting. Members of the public may submit written statements for consideration by the DACOIM at any time before or after the meeting. Written statements should be sent to Christian A. Rodriguez, Designated Federal Officer, Immigration and Naturalization Service, 26 Federal Plaza, Room 14-100, New York, New York, 10278, telephone: (202) 264-0736. Only written statements received by 5 p.m. on January 24, 2000, will be considered for presentation at the meeting. Minutes of the meeting will be available upon request.

Dated: December 29, 1999.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations

will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 18, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 18, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of December, 1999.

**Grant D. Beale,**

*Program Manager, Office of Trade Adjustment Assistance.*

### APPENDIX—PETITIONS INSTITUTED ON 12/20/1999

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
37,179 .....	Bunnies By The Bay (Co.) .....	Anacortes, WA .....	12/06/1999	Stuffed Animals.
37,180 .....	Russell Manufacturing (Co.) .....	Lebanon, VA .....	12/03/1999	Women's Lingerie.
37,181 .....	Trend Manufacturing (Wkrs) .....	Parsons, KS .....	11/30/1999	Vinyl Wristbands.
37,182 .....	Wolverine Tube, Inc (Co.) .....	Roxboro, NC .....	12/01/1999	Copper Tubeing for Chillers.
37,183 .....	Lido Fashions (UNITE) .....	Paterson, NJ .....	11/19/1999	Ladies' Coats.
37,184 .....	Yates Industries (IUE) .....	Bordentown, NJ .....	12/03/1999	Copper Foil.
37,185 .....	Performance Oilfield (Co.) .....	Kilgore, TX .....	12/02/1999	Exploration and Production.
37,186 .....	Avdel Cherry Textron (UE) .....	Parsippany, NJ .....	12/08/1999	Industrial Fasteners.
37,187 .....	Sun Apparel of Texas (UNITE) ....	El Paso, TX .....	12/08/1999	Jackets and Jeans.
37,188 .....	Fruit of the Loom (Wkrs) .....	Barneveld, NJ .....	12/02/1999	Industrial Sewing Machines.
37,189 .....	B.F. Goodrich (USWA) .....	Beliot, WI .....	12/08/1999	Cylinder Liners, Heads, Crank-shafts.
37,190 .....	Tempset, Inc (Co.) .....	St. Louis, MO .....	12/07/1999	Thermal Assemblies.

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