

American Public Power Association Statement of Policy Regarding Compliance with the Antitrust Laws

Since its founding in 1940, the American Public Power Association (APPA) has taken the utmost care to comply with federal and state antitrust laws. APPA is not subject to any consent decree, cease and desist order, or any other mandate or prohibition of any agency of government or any court with respect to the antitrust laws.

To assure continued compliance with both the letter and the spirit of the antitrust laws, APPA's Board of Directors at its February 2023 meeting approved this formal APPA Statement of Policy Regarding Compliance with the Antitrust Laws ("Antitrust Policy"). Participants in APPA meetings and users of APPA's listservs are, therefore, reminded of the following important APPA Antitrust Statement of Policy.

Although the antitrust laws do not preclude members of APPA from lawfully engaging in a great variety of collective activities, the antitrust laws do prohibit certain conduct that unreasonably restricts competition. The prime example is, of course, agreements between competitors with regard to price. Any agreements between competitors that have the purpose or effect of raising, depressing, fixing, pegging, or stabilizing the price of a product or service are unlawful. The antitrust laws likewise prohibit concerted action between competitors that may affect price, including matters relating to production, terms and conditions of sale, the distribution of a product, or the division of markets. Explicit or tacit understandings between competitors that could affect the price of products or operate to impede free and open competition are forbidden. In addition to the various state and federal laws that prohibit the exchange of information among competitors regarding matters pertaining to price, discussions relating to refusals to deal with customers or suppliers, allocation of markets, tying relationships, salaries and benefits for employees, and other topics also might infringe upon antitrust laws and regulations. Members should consult with APPA's legal counsel and/or their legal counsel if they have any questions or concerns about whether their conduct related to APPA's activities could violate federal and state antitrust laws and regulations.

APPA staff is familiar with this Antitrust Statement of Policy. If staff has any concerns that any discussions that arise at APPA-sponsored meetings or on APPA-sponsored listservs that might be construed as inappropriate, the staff has been instructed to alert those present of such concerns and to redirect or, if necessary, terminate such discussions.