

May 21, 2026

Cecilia Aguiar-Curry
Majority Leader, California State Assembly
1021 O Street, Suite 8210
Sacramento, CA 95814

Re: AB 1776 (AGUIAR-CURRY) COMPETE ACT: PROFESSORS SUPPORT

Dear Majority Leader Aguiar-Curry,

We write as professors of law, antitrust and economics to express our strong SUPPORT for AB 1776, the COMPETE Act.

California's many industries, including healthcare, technology, food, agriculture, entertainment and retail sales, have experienced growing concentration that provides a handful of companies with great market power. These companies have the incentive to expand their market power at the expense of our smaller businesses, consumers and workers.

AB 1776 promotes a fairer, competitive economy by amending California's antitrust law, which unlike federal and most state laws, lacks a general bar on anticompetitive conduct by a single firm. By belatedly filling this gap, AB 1776 will better protect free and fair competition in California, drive innovation, expand small- and medium-sized business opportunities, lower prices, and benefit workers and consumers. Additionally, it allows California to access its own state courts and laws to protect the freedom of its markets.

Criticism of the COMPETE Act, including a letter recently submitted by a list of professors, rests on the mistaken premise that extending antitrust liability from multi-party conduct to single-firm conduct is novel or revolutionary and would create widespread uncertainty and angst. This is untrue. In fact, federal law has recognized single-firm liability for more than a century, and most states have done so for decades. California's antitrust law has long needed to close this gap and wean its dependence on withered federal law and federal courts for protection against monopolistic or anticompetitive conduct.

Likewise, opposition vaguely and wrongly intimates that AB 1776 would unleash a "new standard, untethered to any framework." Again, this critique is misplaced. In fact, the language of the bill is based on the "monopolize" and "unreasonable restraint of trade" language that enjoys over 100 years of interpretation, both by federal and state law judges. We applaud the bill

author for nevertheless responding to concerns with amendments that protect some 98 percent of businesses without market power from any threat of enforcement.

Finally, we disagree with criticism that the distinction of federal case law in Section 3 of the bill untethers the COMPETE Act from existing, robust guidelines for distinguishing anticompetitive from procompetitive conduct. That assertion is untrue. The COMPETE Act offers a surgical approach that both codifies existing California case law and selectively distances state courts from a small number of federal cases that have facilitated the trend toward market concentration. Section 3 of the COMPETE Act reflects a re-commitment to maximally incentivizing competition in the state.

At a critical moment in the history of the nation's largest economy, the COMPETE Act lays the foundation for the next generation of business innovation. We applaud and strongly support the efforts to provide California with the means to more effectively check anticompetitive conduct by single firms.

Sincerely,

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