

PART THREE

Jurisdiction State, Federal and Future

The power to regulate rests in both state and federal hands. Bounded by the Commerce Clause, the Tenth Amendment, and the Supremacy Clause, legislators enact statutes and regulators issue orders. How their actions interact—cooperatively, independently, indifferently, disagreeably—is the subject of Chapter 12.

Public utilities build and maintain the physical infrastructure that brings some stability to modern life. Yet regulation's legal infrastructure is anything but stable. Policymakers are rethinking the purposes of regulation, and the roles and responsibilities of regulators and legislators. Courts are rethinking Congress's powers under the Commerce Clause and government's relationship to property owners under the Takings Clause. What these uncertainties mean for regulation's future is the subject of Chapter 13.