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## CT-2022-002 (Rogers-Shaw)

### Proceeding 1 Commissioner of Competition v Rogers Communications Inc. and Shaw Communications Inc.

Section(s):	ss. 104 (92) – Interim Order (Mergers)
Filed on:	2022-05-09
Status:	Decided

Applicant(s):	Commissioner of Competition
Respondent(s):	Rogers Communications Inc. Shaw Communications Inc.

Hearing Date:	n/a
Hearing Location:	n/a
Panel Members:	Justice Andrew D. Little

## Case Documents

### Pleading(s)

#	Title	Date
10	<a href="#">Notice of Application pursuant to s. 104 Vol. 1 - Public</a>	2022-05-09
11	<a href="#">Notice of Application pursuant to s. 104 Vol. 2 - Public</a>	2022-05-09
12	<a href="#">Notice of Application pursuant to s. 104 Vol. 3 - Public</a>	2022-05-09
13	<a href="#">Notice of Application pursuant to s. 104 Vol. 4 - Public</a>	2022-05-09
14	<a href="#">Notice of Application pursuant to s. 104 Vol. 5 - Public</a>	2022-05-09
15	<a href="#">Notice of Application pursuant to s. 104 Vol. 6 - Public</a>	2022-05-09
16	<a href="#">Notice of Application pursuant to s. 104 Vol. 7 – Public</a>	2022-05-09
43	<a href="#">Registered Consent Agreement (s. 104)</a>	2022-05-30

### Decision(s)

#	Title	Date
27	<a href="#">Scheduling Order (s.104)</a>	2022-05-18
30	<a href="#">Confidentiality Order</a>	2022-05-19

### Proceeding 2 Commissioner of Competition v Rogers Communications Inc. and Shaw Communications Inc.; and Videotron Ltd, Intervenor.

Section(s):	s. 92 – Mergers
Filed on:	2022-05-09

Status:	Decided: 2023-01-01
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Applicant(s):	Commissioner of Competition
Respondent(s):	Rogers Communications Inc. Shaw Communications Inc.
Intervenor(s):	Videotron Ltd.

Hearing Dates:	November 7 to 10, 2022 November 14 to 18, 2022 November 21 to 25, 2022 November 28 to December 1, 2022 December 13 and 14, 2022
Hearing Location:	Ottawa via Videoconference
Panel Members:	Chief Justice Paul Crampton

## Case Documents

Pleading(s)		
#	Title	Date
2	<a href="#">Notice of Application pursuant to s. 92 – Public</a>	2022-05-09
44	<a href="#">Response of Rogers Communications Inc.</a>	2022-06-03
45	<a href="#">Response of Shaw Communications Inc.</a>	2022-06-03
53	<a href="#">Commissioner's reply to Rogers Response</a>	2022-06-16
54	<a href="#">Commissioner's reply to Shaw's Response</a>	2022-06-16
146	<a href="#">Affidavit of Daniel Stern, Telus Corporation</a>	2022-08-03
148	<a href="#">Affidavit of Andy Kaplan-Myrth, TekSavvy</a>	2022-08-03
151	<a href="#">Affidavit of Mark Graham, Bell</a>	2022-08-03
162	<a href="#">Amended Response from Shaw Communications Inc.</a>	2022-08-09
164	<a href="#">Amended Response from Rogers Communications Inc.</a>	2022-08-09
191	<a href="#">Amended Reply to the Response of Rogers Communications Inc. of the Commissioner of Competition</a>	2022-08-15
192	<a href="#">Amended Reply to the Response of Shaw Communications Inc. of the Commissioner of Competition</a>	2022-08-15
177	<a href="#">Fresh as Amended Response from Shaw Communications Inc.</a>	2022-08-19
179	<a href="#">Fresh as Amended Response from Rogers Communications Inc.</a>	2022-08-19
194	<a href="#">Fresh as Amended Reply to the Response of Rogers Communications Inc. of the Commissioner of Competition</a>	2022-09-02
195	<a href="#">Fresh as Amended Reply to the Response of Shaw Communications Inc. of the Commissioner of Competition</a>	2022-09-02
322	<a href="#">Affidavit of Andrew Harington</a>	2022-09-28
658	<a href="#">Book of authorities from Shaw - Opening Statement</a>	2022-11-07
774	<a href="#">Commissioner's Final Arguments</a>	2022-12-09
775	<a href="#">Commissioner's Final Arguments (Book of Authorities)</a>	2022-12-09
778	<a href="#">Respondent's Final Arguments</a>	2022-12-09
784	<a href="#">Rogers Compendium</a>	2022-12-13
788	<a href="#">Shaw's Compendium</a>	2022-12-13
791	<a href="#">Videotron's Compendium</a>	2022-12-13

795	<a href="#">Presentation on closing submissions of the Commissioner</a>	2022-12-13
796	<a href="#">Book of Authorities of the Commissioner on Final Submissions</a>	2022-12-13
817	<a href="#">Commissioner's Cost Submissions</a>	2022-12-29
819	<a href="#">Rogers, Shaw and Videotron's Cost Submissions</a>	2022-12-30
854	<a href="#">Affidavit evidence of Ashley McKnight regarding Rogers' disbursements</a>	2023-07-18
855	<a href="#">Affidavit evidence of Debra Bilous regarding Shaw's disbursements</a>	2023-07-20
856	<a href="#">Affidavit evidence of Elizabeth Fimio regarding Videotron's disbursements</a>	2023-07-20
861	<a href="#">Commissioner's Supplementary Submission on Costs</a>	2023-08-04
862	<a href="#">Book of Authorities in support of the Commissioner's Supplementary Submission on Costs</a>	2023-08-04

Motion(s) document(s)		
#	Title	Date
62	<a href="#">Motion to Intervene by Videotron Ltd.</a>	2022-07-08
69	<a href="#">Request for Leave to Intervene by John P. Roman</a>	2022-07-21
70	<a href="#">Response of the Commissioner of Competition to the Request for Leave to Intervene of John P. Roman</a>	2022-07-21
71	<a href="#">Confidentiality and Privilege Motion by the Respondents</a>	2022-07-21
75	<a href="#">Book of authorities in support of the Commissioner's Response to the motion to intervene of J.P. Roman</a>	2022-07-21
77	<a href="#">Commissioner's Response to Videotron's Motion to Intervene</a>	2022-07-21
78	<a href="#">Book of authorities in support of the Commissioner's Response to the motion to intervene of Videotron</a>	2022-07-25
80	<a href="#">Commissioner's Motion Record requesting an Order varying the Scheduling Order</a>	2022-07-21
93	<a href="#">Responding Motion Record of the Commissioner to the Respondents Motion for Confidentiality and Privilege</a>	2022-07-29
108	<a href="#">Videotron's responding Motion Record to the Commissioner's Motion to Vary the Scheduling Order</a>	2022-07-29
110	<a href="#">Videotron's Written Reply Submissions on their Request for Leave to Intervene</a>	2022-07-29
113	<a href="#">Shaw's Responding Motion Record to the Commissioner's Motion to Vary the Scheduling Order</a>	2022-07-29
116	<a href="#">Commissioner's Motion to Vary the Confidentiality Order</a>	2022-07-29
122	<a href="#">Commissioner's Motion for a further and better affidavit of Documents from Rogers Communications Inc.</a>	2022-07-29
130	<a href="#">Affidavit of Documents of Marisa Wyse, Rogers Communications Inc.</a>	2022-07-29
136	<a href="#">Commissioner's Motion for a further and better affidavit of Documents from Shaw Communications Inc.</a>	2022-07-29
141	<a href="#">Affidavit of Documents of Dean Shaikh, Shaw Communications Inc.</a>	2022-07-29
201	<a href="#">Commissioner's Motion on Rogers' Discovery Refusals</a>	2022-09-08
202	<a href="#">Commissioner's Book of Authorities - Motion on Rogers' Discovery Refusals</a>	2022-09-08
205	<a href="#">Commissioner's Motion on Shaw's Discovery Refusals</a>	2022-09-08
206	<a href="#">Commissioners Book of Authorities - Motion on Shaw's Discovery Refusals</a>	2022-09-08
211	<a href="#">Motion Record of Rogers and Shaw on Refusals</a>	2022-09-12
214	<a href="#">Memorandum of fact and law of Rogers and Shaw on their motion for Refusals</a>	2022-09-12
221	<a href="#">Oral Compendium of the Respondents, Rogers and Shaw (Refusals Motion)</a>	2022-09-12
227	<a href="#">Responding Motion Record of Rogers on the Commissioner's Refusals Motion</a>	2022-09-12
234	<a href="#">Commissioner's Book of Authorities (Respondent's Refusals Motion)</a>	2022-09-12

237	<a href="#">Commissioner's Compendium for Oral Arguments (Refusals Motion)</a>	2022-09-13
239	<a href="#">Revised Commissioner's Responding Motion Record on the Respondent's Refusals Motion</a>	2022-09-12
356	<a href="#">Motion Record of Shaw Communications Inc. re: Confidentiality</a>	2022-10-06
372	<a href="#">Motion record from Telus to quash subpoenas</a>	2022-10-14
381	<a href="#">Notice of Motion to Strike from the Commissioner</a>	2022-10-14
384	<a href="#">Written Representations of the Commissioner of Competition in support of his Motion to Strike</a>	2022-10-17
385	<a href="#">Book of Authorities in Support of the Commissioner's Motion to Strike</a>	2022-10-17
389	<a href="#">Notice of Motion to Strike from the Respondents</a>	2022-10-17
391	<a href="#">Supplementary Affidavit of Telus</a>	2022-10-18
393	<a href="#">Responding Motion Record of the Commissioner on Telus' Motion to Quash Subpoenas</a>	2022-10-18
395	<a href="#">Responding Motion Record of the Commissioner on Bell's Motion to Quash Subpoenas</a>	2022-10-18
399	<a href="#">Shaw's Notice of Cross-Motion to Compel the Commissioner to Produce Documents</a>	2022-10-18
433	<a href="#">Bell's Supplementary Motion Record on the Motion to Quash Subpoena</a>	2022-10-20
434	<a href="#">Shaw's Responding Motion Record on the Commissioner's Motion to Strike</a>	2022-10-20
435	<a href="#">Shaw's Response to Bell and Telus Motions to Quash</a>	2022-10-19
437	<a href="#">Affidavit of Tanya Barbiero on Bell and Telus' Motions to Quash</a>	2022-10-19
440	<a href="#">Responding Motion Record of Rogers on Bell's Motion to Quash Subpoenas</a>	2022-10-19
445	<a href="#">Responding Motion Record of Rogers on Telus' Motion to Quash Subpoenas</a>	2022-10-19
452	<a href="#">Notice of motion for leave to file a witness statement</a>	2022-10-20
457	<a href="#">Commissioner's response to Respondents' motion to strike</a>	2022-10-21
521	<a href="#">Motion Record of the Commissioner in Response to Shaw's Cross-Motion</a>	2022-10-21
522	<a href="#">Book of Authorities of the Commissioner in Response to Shaw's Cross-Motion</a>	2022-10-21
524	<a href="#">Response of the Commissioner to Rogers' Motion for leave to file a Witness Statement</a>	2022-10-21
528	<a href="#">Second Supplementary Affidavit of Dean Stern, Telus</a>	2022-10-24
535	<a href="#">Memorandum of Fact and Law of Telus on the Motion to Quash Subpoenas</a>	2022-10-26
536	<a href="#">Book of Authorities of Telus on the Motion to Quash Subpoenas</a>	2022-10-26
538	<a href="#">Commissioner's Written Representations (Respondents' Motion to Strike) – Public</a>	2022-10-26
539	<a href="#">Commissioner's Book of Authorities (Respondents' Motion to Strike) – Public</a>	2022-10-26
543	<a href="#">Memorandum of Fact and Law of Rogers on the Motion to Strike – Public</a>	2022-10-26
548	<a href="#">Memorandum of Shaw on the Motion to Strike – Public</a>	2022-10-26
550	<a href="#">Memorandum of Fact and Law of the Commissioner on the Respondents' Motion to Introduce – Public</a>	2022-10-26
552	<a href="#">Bell Motion to Quash Subpoenas - Amended Notice of Motion – Public</a>	2022-10-26
557	<a href="#">Amended Response of the Commissioner on Cross Motions Public</a>	2022-10-27
560	<a href="#">Affidavit of Jessica Fiset in support of amended response to Cross-Motions - Public</a>	2022-10-27
564	<a href="#">Rogers Compendium on CoC's Motion to Strike and Rogers' Motion for leave to file new witness statement – Public</a>	2022-10-27
570	<a href="#">Memorandum of Fact and Law from Rogers in Response to Bell and Telus' Motions to Quash Public</a>	2022-10-27
574	<a href="#">Rogers' Compendium for Oral Argument (Response to Bell and Telus' Motions to Quash) – Public</a>	2022-10-27

578	<a href="#">Notice of Motion from the Commissioner to Strike Reply Evidence (Isreal and Butt) Public</a>	2022-10-27
579	<a href="#">Book of Authorities on Commissioner's Motion to Strike Reply Evidence (Isreal and Butt)</a>	2022-10-27
583	<a href="#">Memorandum of Fact and Law from Shaw in Response to Bell and Telus' Motions to Quash Subpoenas</a>	2022-10-28
587	<a href="#">Factum from Bell on motion to Quash – Public</a>	2022-10-28
588	<a href="#">Book of Authorities from Bell on motion to Quash</a>	2022-10-28

Decision(s)
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#	Title	Date
30	<a href="#">Confidentiality Order</a>	2022-05-19
51	<a href="#">Scheduling Order (s.92)</a>	2022-06-17
57	<a href="#">Amended Scheduling Order</a>	2022-06-24
103	<a href="#">Direction re Scheduling of Certain Motions</a>	2022-08-02
104	<a href="#">Direction re Scheduling of two interlocutory motions</a>	2022-08-02
154	<a href="#">Order re Videotron's Motion for Leave to Intervene</a>	2022-08-04
155	<a href="#">Order re Motion Varying the Scheduling Order</a>	2022-08-04
167	<a href="#">Revised Order Amending the Confidentiality Order On Consent</a>	2022-08-10
172	<a href="#">Order on Consent (Motions regarding Affidavits of Documents)</a>	2022-08-15
174	<a href="#">Reasons for Order and Order Dismissing the Motion for leave to Intervene by J.P. Roman</a>	2022-08-19
184	<a href="#">Direction re Confidentiality Order</a>	2022-08-23
188	<a href="#">Order regarding Refusals Motion Arising from Discovery</a>	2022-08-26
189	<a href="#">Order regarding the admission for filing of fresh as amended responses from the Respondents</a>	2022-08-26
198	<a href="#">Direction re: Upcoming Case Management Conference</a>	2022-09-07
215	<a href="#">Amended Confidentiality Order</a>	2022-09-12
240	<a href="#">Rogers-Shaw - Direction re CMC of September 15, 2022</a>	2022-09-16
246	<a href="#">Amended Direction re Case Management Conference of September 26, 2022</a>	2022-09-22
292	<a href="#">Direction re Hearing Format and Upcoming CMC</a>	2022-09-27
368	<a href="#">Direction re Shaw's motion withdrawal and scheduling CMC</a>	2022-10-12
431	<a href="#">Direction re Filing of motions materials</a>	2022-10-19
448	<a href="#">Direction scheduling CMC of October 21, 2022</a>	2022-10-20
526	<a href="#">Order Amending the Scheduling Order</a>	2022-10-24
584	<a href="#">Direction to counsel re Hearing of Motions and CMC</a>	2022-10-28
589	<a href="#">Reasons for Order and Order on Motions to Compel Answers to Questions Refused on Examinations for Discovery</a>	2022-09-15
593	<a href="#">Direction re Upcoming Case Management Conference</a>	2022-10-31
621	<a href="#">Order Amending the Scheduling Order</a>	2022-11-02
622	<a href="#">Direction re Chess Clock and Sitting Times</a>	2022-11-02
623	<a href="#">Direction re Witness Protocol</a>	2022-11-02
624	<a href="#">Direction re Witness Exclusion</a>	2022-11-02
641	<a href="#">Order re Motion to Strike Portions of Witness Statements Delivered by the Commissioner</a>	2022-11-04
656	<a href="#">Direction re: Agreed Statement of Fact</a>	2022-11-07
683	<a href="#">Public Order concerning Claim of Solicitor-Client Privilege</a>	2022-11-10

706	<a href="#">Order on Motion to Quash, by Telus Communications Inc., Nazim Benhadid and Charlie Casey</a>	2022-11-04
707	<a href="#">Order on Motion to Quash, by BCE Inc., Blaik Kirby and Stephen Howe</a>	2022-11-04
768	<a href="#">Direction re Closing Arguments</a>	2022-12-06
812	<a href="#">Direction re Costs</a>	2022-12-21
826	<a href="#">Summary Decision</a>	2022-12-29
829	<a href="#">Direction re IP addresses</a>	2022-12-29
832	<a href="#">Reasons for Order and Order</a>	2023-01-01
850	<a href="#">Direction to Respondents and Intervenor on disbursements' supporting evidence</a>	2023-06-22
858	<a href="#">Direction re Commissioner's Additional Submission on Costs</a>	2023-07-28
865	<a href="#">Reasons for Order and Order on Costs</a>	2023-08-28
867	<a href="#">Concurrence on Costs</a>	2023-08-30

Other(s)		
#	Title	Date
49	<a href="#">Commissioner's Demand for Particulars</a>	2022-06-16
50	<a href="#">Rogers' response to the Demand for Particulars</a>	2022-06-16
56	<a href="#">Parties letter confirming intent for mediation</a>	2022-06-23
60	<a href="#">Notice of Intervention by the Attorney General of Alberta</a>	2022-07-04
197	<a href="#">Rogers Communications Inc.'s Demand for Particulars</a>	2022-09-06
217	<a href="#">Commissioner's Response to Rogers' Demand for Particulars</a>	2022-09-12
251	<a href="#">Witness Statement of Stephen Howe (Bell)</a>	2022-09-26
253	<a href="#">Witness Statement of Nazim Benhadid (Telus)</a>	2022-09-20
257	<a href="#">Witness Statement of Christopher Hickey (Distributel)</a>	2022-09-26
259	<a href="#">Witness Statement of Tom Nagel (Comcast)</a>	2022-09-26
263	<a href="#">Witness Statement of Sudeep Verma</a>	2022-09-26
264	<a href="#">Witness Statement of Denis Albert</a>	2022-09-26
269	<a href="#">Witness Statement of Mathew McCarthy</a>	2022-09-26
271	<a href="#">Witness Statement of David Bennett</a>	2022-09-26
273	<a href="#">Witness Statement of Andre Bremault</a>	2022-09-26
275	<a href="#">Witness Statement of Shane Reimer</a>	2022-09-26
277	<a href="#">Witness Statement of Ryan Schumm</a>	2022-09-26
279	<a href="#">Witness Statement of Mark Phaneuf</a>	2022-09-26
281	<a href="#">Witness Statement of Nimesh Chauhan</a>	2022-09-26
288	<a href="#">Expert Report of Nathan H. Miller</a>	2022-09-26
289	<a href="#">Expert Report of Lars Osberg</a>	2022-09-21
290	<a href="#">Expert Report of Katherine Cuff</a>	2022-09-21
319	<a href="#">Expert Report of Mark A. Israel</a>	2022-09-23
325	<a href="#">Witness Statement of Dean Prevost</a>	2022-09-23
328	<a href="#">Witness Statement of Marisa Fabiano</a>	2022-09-28
340	<a href="#">Witness Statement of Jean-François Lescadres</a>	2022-09-28
367	<a href="#">Letter from the Applicant requesting a second mediation</a>	2022-10-12
370	<a href="#">Letter from the Respondents requesting a second mediation</a>	2022-10-12
371	<a href="#">Letter from the intervenor, Videotron, requesting a second mediation</a>	2022-10-12

374	<a href="#">Statement (from Justice Little, Chairperson)</a>	2022-10-14
454	<a href="#">Witness Statement of Alexandre Mercier-Dalphon</a>	2022-10-20
462	<a href="#">Expert Report of Mark E Zmijewski</a>	2022-10-20
464	<a href="#">Rebuttal Expert Report of Nathan H. Miller</a>	2022-10-19
469	<a href="#">Reply Witness Statement of Mathew McCarthy</a>	2022-10-20
472	<a href="#">Witness Statement of Jessica Fiset</a>	2022-10-20
487	<a href="#">Expert Report of David S. Evans</a>	2022-10-20
491	<a href="#">Witness Statement of Evan Fuest</a>	2022-10-20
494	<a href="#">Supplementary Witness Statement of Mohamed Drif</a>	2022-10-20
497	<a href="#">Reply Witness Statement of Jean-Francois Lescadres</a>	2022-10-21
502	<a href="#">Witness statement of Roger Ware</a>	2022-10-21
505	<a href="#">Reply Expert Report of Mark A. Israel</a>	2022-10-21
508	<a href="#">Responding Witness Statement Dean Prevost</a>	2022-10-21
514	<a href="#">Witness Statement of Michael Smart</a>	2022-10-21
604	<a href="#">Commissioner's Opening Statement</a>	2022-10-31
605	<a href="#">Book of authorities of the Commissioner / Opening Statement</a>	2022-10-31
608	<a href="#">Videotron's Opening Statement</a>	2022-10-31
612	<a href="#">Rogers' Opening Statement</a>	2022-10-31
617	<a href="#">Shaw's Opening Statement</a>	2022-11-01
645	<a href="#">Letter from Alberta Attorney General re: Intervention withdrawal</a>	2022-11-04
649	<a href="#">Witness Statement of Sameer Dhamani (Freedom Dealers)</a>	2022-09-26
654	<a href="#">Witness Statement of Stephanie Assad</a>	2022-09-26
667	<a href="#">Witness Statement of Charlie Casey (Telus)</a>	2022-09-26
669	<a href="#">Witness Statement of Blaik Kirby (Bell)</a>	2022-09-26
670	<a href="#">Affidavit of Kenneth Mathieu</a>	2022-10-20
679	<a href="#">Witness Statement of Pierre Karl Péladeau</a>	2022-09-23
680	<a href="#">Witness Statement of Mohamed Drif</a>	2022-09-28
690	<a href="#">Amended Expert Report of Michael A. M. Davies</a>	2022-09-23
693	<a href="#">Amended Reply Expert Report of Michael A. M. Davies</a>	2022-09-23
696	<a href="#">Letter from the Commissioner and Excel Spreadsheet in Response to Questions Posed by the Panel concerning s.96</a>	2022-11-16
705	<a href="#">Shaw Communications Inc. Responses to Questions Posed by the Panel</a>	2022-11-18
712	<a href="#">Reply Witness Statement of Paul McAleese</a>	2022-10-20
715	<a href="#">Witness Statement of Paul McAleese</a>	2022-09-26
718	<a href="#">Witness Statement of Brad Shaw</a>	2022-09-28
720	<a href="#">Witness Statement of Donovan Leigh Annett</a>	2022-10-10
722	<a href="#">Witness Statement of Rod Davies</a>	2022-09-28
729	<a href="#">Amended Witness Statement of Trevor English</a>	2022-09-28
739	<a href="#">Expert Report of Kenneth J. Martin</a>	2022-09-23
742	<a href="#">Witness Statement of Kenneth J. Martin</a>	2022-10-21
748	<a href="#">Expert Report of Dr. William Webb</a>	2022-10-20
751	<a href="#">Reply Expert Report of Dr. William Webb</a>	2022-10-20
754	<a href="#">Amended Expert Report of Paul Alan Johnson</a>	2022-09-28
756	<a href="#">Reply Expert Report of Paul Alan Johnson</a>	2022-10-21
763	<a href="#">Witness Statement of Ron McKenzie</a>	2022-10-21

842	<a href="#">Statement (from Chief Justice Crampton, Presiding Member)</a>	2023-01-18
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