



Reference: *The Commissioner of Competition v. Reliance Comfort Limited Partnership*, 2013
Comp. Trib. 20
File No.: CT-2012-002
Registry Document No.: 075

IN THE MATTER of the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER of an application by the Commissioner of Competition pursuant to section 79 of the *Competition Act*;

AND IN THE MATTER of certain policies and procedures of Reliance Comfort Limited Partnership

B E T W E E N:

The Commissioner of Competition
(applicant)

and

Reliance Comfort Limited Partnership
(respondent)

and

National Energy Corporation
(intervener)



Decided on the basis of the written record
Before Judicial Member: Rennie J. (Chairperson)
Date of Order: December 9, 2013
Order signed by: Justice Donald J. Rennie

AMENDED SCHEDULING ORDER

[1] FURTHER TO the notice of application filed by the Commissioner of Competition (“Commissioner”) pursuant to section 79 of the *Competition Act*, R.S.C. 1985, c. C-34, against the respondent Reliance Comfort Limited Partnership and the notice of application filed by the Commissioner pursuant to section 79 of the *Competition Act* against the respondent Direct Energy Marketing Limited (CT-2012-003);

[2] AND FURTHER TO the Tribunal’s Scheduling Order of November 27, 2013, and recent correspondence from counsel;

[3] AND WHEREAS, in fixing the hearing date of these matters to begin January 12, 2015, the Tribunal notes two factors, raised by the parties in their correspondence and not previously discussed; the possible length of time of the hearings, and the possibility that they might be heard consecutively, rather than concurrently;

[4] AND HAVING regard to the scheduling implications of these factors for the Tribunal and reserving for future submissions and consideration the length and place of hearings and whether the hearings will be concurrent or consecutive, the Tribunal has amended and fixed the start date accordingly;

THE TRIBUNALS ORDERS THAT:

[5] The schedule for the pre-hearing steps shall be as follows:

Friday, March 28, 2014	Service of Affidavits of Documents and delivery of documents by all Parties
Wednesday, April 30, 2014	Deadline for the filing of any motions arising from Affidavits of Documents and/or productions and/or in respect of the scope of examinations for discovery
Date to be set as needed, during week of May 26, 2014	Hearing of any motions arising from Affidavits of Documents and/or productions and/or in respect of the scope of examinations for discovery

Friday, June 6, 2014	Deadline for delivery of any additional productions resulting from any Affidavits of Documents/production motions
Monday, June 16, 2014 – Friday, July 25, 2014	Examinations for discovery according to a schedule to be settled between counsel.
Friday, September 12, 2014	Deadline for fulfilling answers to discovery undertakings
Friday, September 19, 2014	Deadline for filing motions arising from answers to undertakings and refusals
Week of September 29, 2014	Hearing of motions arising from answers to undertakings and refusals
Friday, October 17, 2014	Last day for follow-up examinations for discovery
Friday, October 31, 2014	Applicant and Intervenor to serve documents relied upon, witness statements, and serve and file expert reports
Friday, November 14, 2014	Applicant to serve list of documents proposed to be admitted without further proof
Tuesday, December 2, 2014	Respondent to serve documents relied upon, witness statements, and serve and file expert reports

Friday, December 19, 2014	Deadline for delivering any Requests for Admissions
Friday, December 19, 2014	Applicant and Intervenor to serve list of reply documents, witness statements, and serve and file reply expert reports
Tuesday, December 30, 2014	Deadline for the hearing of any motions for Summary Disposition and/or any motions related to the evidence
Tuesday, December 30, 2014	Deadline to provide documents to the Tribunal for use at the hearing (e.g., Briefs of Authorities, witness statements, and Agreed Books of Documents)

[6] The hearing of the applications will commence at 10:00 am on Monday, January 12, 2015.

[7] This Order governing pre-hearing scheduling shall apply in respect of the application filed by the Commissioner against Direct Energy Marketing Limited (CT-2012-003).

DATED at Ottawa, this 9th day of December, 2013.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Donald J. Rennie

COUNSEL:

For the applicant:

The Commissioner of Competition

Jonathan Hood
Parul Shah

For the respondents:

Reliance Comfort Limited Partnership

Robert S. Russell
Brendan Wong

Direct Energy Marketing Limited

Donald Houston

For the intervener:

National Energy Corporation

Adam Fanaki
Derek D. Ricci