

Competition Tribunal



Tribunal de la Concurrence

Reference: *Commissioner of Competition v. Canada Pipe Company Ltd.*, 2007 Comp.Trib. 28
File No.: CT-2002-006
Registry Document No.: 0106

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 sections 77 and 79 of the *Competition Act*;

AND IN THE MATTER OF certain practices by Canada Pipe Company Ltd. through its Bibby Ste-Croix Division.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

**Canada Pipe Company Ltd. /
Tuyauteries Canada Ltée**
(respondent)



Conference call: 04102007

Presiding Judicial Members: Simpson J. (Chairperson) and Blanchard J.

Date of order: October 11, 2007

Order signed by: Madam Justice S. Simpson

**ORDER RELATING TO MATTERS CONSIDERED AT THE CASE MANAGEMENT
CONFERENCE OF OCTOBER 4, 2007**

[1] FURTHER TO the application filed by the Commissioner of Competition (the “Commissioner”) pursuant to sections 77 and 79 of the *Competition Act*, R.S.C. 1985, c. C-34;

[2] AND FURTHER TO the Federal Court of Appeal decision of June 23, 2006, referring the matter back to the Tribunal for a redetermination in accordance with the Court’s reasons and on the basis of the evidence currently on record (the “Redetermination”) (*Canada (Commissioner of Competition) v. Canada Pipe Co.* (F.C.A.), 2006 FCA 233, leave to appeal to S.C.C. refused on May 10, 2007);

[3] AND FURTHER TO the discussions held with counsel during the case management conferences of September 14, September 21, and October 4, 2007, in which all parties agreed that, when finalized, the Framework for Redetermination (the “Framework”) will serve as a comprehensive and final statement of the issues to be addressed on the Redetermination;

THE TRIBUNAL ORDERS THAT:

[4] The Commissioner shall serve and file her memorandum with proof of service on or before Thursday, November 1, 2007.

[5] The Respondent shall serve and file its memorandum with proof of service on or before Friday, November 30, 2007.

[6] The Commissioner shall serve and file her reply memorandum with proof of service on or before Friday, December 14, 2007.

[7] The memoranda filed by the parties shall address the issues in the order in which they are set out in the Framework and shall provide references to a joint compendium of evidence and Tribunal findings (the “Compendium”). The parties shall file the Compendium (2 hard copies) on or before Thursday, December 20, 2007.

[8] The report of the Tribunal’s Staff Economist dealing with the parties’ memoranda of argument will be available to the parties on or before Monday, January 21, 2008. If the parties wish to respond to the report, they may do so in writing at any time prior to Friday, February 1, 2008, and/or in oral submissions.

[9] The hearing of argument shall commence on Monday, February 4, 2008, at 9:30 a.m. in Ottawa at the Tribunal Hearing Room, and shall conclude on or before Wednesday, February 6, 2008.

[10] The schedule for the hearing has been set as follows:

Monday, February 4, 2008 (full day) Commissioner's oral argument

Tuesday, February 5, 2008 (full day) Respondent's oral argument

Wednesday, February 6, 2008 (1/2 day) Respondent's oral argument
(1/2 day) Commissioner's reply

DATED at Ottawa, this 11th day of October, 2007.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Sandra J. Simpson

APPEARANCES:

For the applicant

Commissioner of Competition

Leslie Milton
Adam Fanaki
Roger Nassrallah
Robert Levine

For the respondent

Canada Pipe Company Ltd. / Tuyauteries Canada Ltée

James Doris
Anita Banicevic