



Reference: *Commissioner of Competition v. Saskatchewan Wheat Pool Inc et al.*, 2007 Comp. Trib. 15
File No.: CT2005009
Registry Document No.: 0125

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 for an Order pursuant to section 92 of the *Competition Act*;

AND IN THE MATTER OF a joint venture between Saskatchewan Wheat Pool Inc. and James Richardson International Limited in respect of port terminal grain handling in the Port of Vancouver.

B E T W E E N :

Commissioner of Competition
(applicant)

and

Saskatchewan Wheat Pool Inc.
James Richardson International Limited
6362681 Canada Ltd. and 6362699 Canada Ltd.
(respondents)

and

Canadian Pacific Railway Company
Canadian National Railway Company
Canadian Wheat Board and
Vancouver Port Authority
(intervenors)



Decided on the basis of the written record
Presiding Judicial Member: Simpson J. (Chairperson)
Date of Order: May 15, 2007
Order signed by: Madam Justice S. Simpson

ORDER RESCINDING THE SCHEDULING ORDER OF APRIL 30, 2007

[1] FURTHER TO the application filed by the Commissioner of Competition (the “Commissioner”) pursuant to section 92 of the *Competition Act*, R.S.C. 1985, c. C-34, for an order dissolving a grain handling joint venture between the respondents at the Port of Vancouver;

[2] AND FURTHER TO the Scheduling Order of April 30, 2007, issued by this Tribunal following a request made by the Commissioner, which provides that the hearing of this application shall commence on January 15, 2008, in Vancouver;

[3] AND WHEREAS the Commissioner and Saskatchewan Wheat Pool Inc. (“SWP”) entered into a consent agreement on March 28, 2007, regarding the proposed acquisition by SWP of United Grain Growers Limited, carrying on business as Agricore United (“AU”), which envisions the termination of the grain handling joint venture challenged in the present application if SWP takes over AU;

[4] AND WHEREAS counsel for the Commissioner has asked in a letter dated May 10, 2007, that the Scheduling Order of April 30, 2007, be set aside given (i) the May 9, 2007 recommendation by the AU Board of Directors that AU shareholders tender their shares to the revised SWP offer and (ii) JRI’s withdrawal of its takeover bid for AU;

[5] AND WHEREAS counsel for the respondents have indicated that they support the Commissioner’s request to set aside the Scheduling Order of April 30, 2007;

THE TRIBUNAL ORDERS THAT:

[6] The Scheduling Order of April 30, 2007, is hereby rescinded.

[7] This matter will be held in abeyance until counsel for the Commissioner, JRI or SWP provides information indicating that further steps are necessary.

DATED at Ottawa, this 15th day of May 2007.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Sandra J. Simpson

COUNSEL:

For the applicant:

Commissioner of Competition

Jonathan Chaplan
Andrew Lenz

For the respondents:

Saskatchewan Wheat Pool Inc.
6362681 Canada Ltd. and
6362699 Canada Ltd.

Peter Bergbusch

James Richardson International Limited

Robert Russell
Adam Fanaki