



Reference: *Commissioner of Competition v. Saskatchewan Wheat Pool Inc.*, 2005 Comp. Trib. 48

File No.: CT2005009

Registry Document No.: 0008

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 an application by the Commissioner of Competition for an Order pursuant to section 104 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)



Date of hearing by conference call: 20051209

Presiding Judicial Member: Lemieux J.

Order: December 9, 2005

Order signed by: Mr. Justice F. Lemieux

**ORDER RELATING TO MATTERS CONSIDERED AT THE CASE MANAGEMENT  
CONFERENCE OF DECEMBER 9, 2005**

[1] FURTHER TO the request made by the applicant pursuant to Rule 64 of the *Competition Tribunal Rules*, SOR/94-290, as amended, for an order declaring confidential a version of her Statement of Grounds and Material Facts which has been received in support of her notice of application made under section 92 of the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

[2] AND FURTHER TO the consent expressed by the parties during the case management conference call of December 9, 2005, as to a schedule for the filing of documents regarding the applicant's request for a confidentiality order;

[3] AND FURTHER TO the request made by the respondents for an order extending the time limit prescribed by the *Competition Tribunal Rules* for serving and filing a response to the applicant's notice of application made under section 92 of the *Competition Act*;

[4] AND FURTHER TO the applicant's consent to the respondents' request for an order extending the time limit for serving and filing a response;

[5] AND FURTHER TO the discussion held with the parties during the case management conference call of December 9, 2005.

**THE TRIBUNAL ORDERS THAT:**

[6] The time limit to serve and file a response to the notice of application filed by the applicant under section 92 of the *Competition Act* is extended to January 20, 2006;

[7] The schedule regarding the applicant's request for a confidentiality order shall be as follows:

- |                   |  |
|-------------------|--|
| December 15, 2005 | Exchange of affidavits   |
| December 21, 2005 | (i) Filing of affidavits with the Tribunal;  |
|                   | (ii) Service and filing of separate or joint submissions with the Tribunal;  |
|                   | (iii) Filing of a draft consent confidentiality order specifically related to the applicant's Statement of Grounds and Material Facts with the Tribunal; and |
|                   | (iv) Filing of a draft consent confidentiality order of general application with the Tribunal.   |

**[8]** The parties may return to the Tribunal for further directions with respect to this schedule should the need arise.

DATED at Ottawa, this 9<sup>th</sup> day of December 2005.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) François Lemieux

APPEARANCES:

For the applicant:

Commissioner of Competition

Jonathan Chaplan

For the respondents:

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

Peter Bergbusch

James Richardson International Limited

Adam F. Fanaki  
Robert Russell