

THE COMPETITION TRIBUNAL

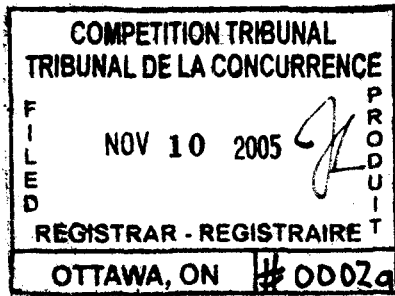
IN THE MATTER OF the *Competition Act*, R.S. 1985, c. C-34, as amended;

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.

BETWEEN:



THE COMMISSIONER OF COMPETITION

Applicant

- AND -

SASKATCHEWAN WHEAT POOL INC. ,

JAMES RICHARDSON INTERNATIONAL LIMITED,

6362681 CANADA LTD. AND 6362699 CANADA LTD.

Respondents

NOTICE OF APPLICATION

TAKE NOTICE that the Commissioner of Competition (the "Commissioner") will make an application to the Competition Tribunal, on a day and place to be determined by the Competition Tribunal, pursuant to sections 92 and 104 of the *Competition Act* (the "Act")

for:

1. A Interim Order in the form of the Draft Interim Order exhibited to the affidavit of Denis Corriveau, filed, against the Respondents pursuant to section 104 of the *Act* requiring that the marketing of the Respondents' Vancouver port terminal services be held separately from each other and from the JV operator and management, by prohibiting joint marketing to third party non-integrated grain companies (those with no ownership interests in port grain terminals on the Canadian west coast) in the joint operation of the Respondents' Vancouver port terminals pending determination of the Commissioner's application for an order pursuant to section 92 of the *Act* (the "Application").

2. The grounds of the Application are:
 - (a) that the Commissioner has filed it's Application alleging that the proposed JV of SWP and JRI (the "proposed JV") will likely prevent or lessen competition substantially in the provision of port terminal grain handling services at Canadian west coast ports;

 - (b) that there is a serious issue to be decided by the Tribunal with respect to the anti-competitive effects of the proposed JV; that there will be irreparable harm if the parties are able to share sensitive commercial information and jointly market their port terminals; and that the balance of convenience favours granting the relief sought.

3. The Applicant relies on sections 10 and 104, of the *Act* and Rule 23 of the *Competition Tribunal Rules*.
4. The following documentary evidence will be presented:
 - (a) the affidavit of Denis Corriveau, sworn the 10th day of November, 2005; and
 - (b) such further and other material as counsel may advise.

The Applicant ask that this matter be heard in the English language.

The addresses for service for Saskatchewan Wheat Pool Inc. is at Balfour Moss, 700-2103 11th Ave, Regina, Saskatchewan, S4P 4G1, c/o Mr. Glen S. Lekach and Mr. Peter T. Bergbush and for James Richardson International Limited is at Borden Ladner Gervais LLP, Scotia Plaza, 40 King Street West, Toronto, Ontario, Canada, M5H 3Y4, c/o Mr. Robert S. Russell.

DATED at Gatineau, Quebec, this 10th day of November, 2005.



Sheridan Scott
Commissioner of Competition
Competition Bureau
Place du Portage, Phase I
50 Victoria Street
Gatineau, Quebec
K1A 0C9