

# THE COMPETITION TRIBUNAL

CT-95-02

**IN THE MATTER OF** an application by the Commissioner of Competition under section 79 and 105 of the Competition Act, R.S.C. 1985, c.C-34, as amended;

**IN THE MATTER OF** an abuse of dominant position in the supply of shared electronic network services for consumer-initiated shared electronic financial services;

**IN THE MATTER OF** a Consent Order granted by the Competition Tribunal dated June 20, 1996, varied on March 25, 1998, further varied on September 8, 2000 and varied and restated as a consent agreement on January 10, 2003.

**AND IN THE MATTER OF** an application by Bank of Montreal, et al., under sections 105 and 106(1)(b) of the Competition Act, R.S.C. 1985, c.C-34, as amended, to vary on consent the Amended Consent Agreement made by the Competition Tribunal on January 10, 2003.

**BETWEEN :**

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
<b>FILED / PRODUIT</b>	
May 18, 2005	
CT-1995-002	
Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 0128a

Bank of Montreal  
The Bank of Nova Scotia  
Canada Trustco Mortgage Company  
Canadian Imperial Bank of Commerce  
La Confédération des caisses populaires et  
d'économique Desjardins du Québec  
Credit Union Central of Canada  
National Bank of Canada  
Royal Bank of Canada  
The Toronto-Dominion Bank  
Interac Inc.

Applicants

- and -

The Commissioner of Competition

Respondent

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**NOTICE OF APPLICATION FOR AN ORDER TO VARY CONSENT ORDER**

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1. **TAKE NOTICE** that the Applicants hereby apply for an Order varying on consent the Consent Order of the Competition Tribunal (the "Tribunal") originally dated June 20, 1996 and varied on consent by orders of the Tribunal dated March 25, 1998, September 8, 2000 and January 10, 2003, as more particularly set out in the attached Draft Consent Order and Amended Consent Agreement.

2. **AND FURTHER TAKE NOTICE** that this application is brought pursuant to sections 105 and 106(1)(b) of the *Competition Act*, R.S.C. 1985, c. 19(2<sup>nd</sup> Supp) as amended, and the *Competition Tribunal Rules*.

3. **AND FURTHER TAKE NOTICE** that the grounds upon which the application is brought is that the Commissioner of Competition (the "Commissioner") and the Applicants have, through their counsel, consented to the attached Draft Consent Order and Amended Consent Agreement.

4. **AND FURTHER TAKE NOTICE** that the parties are available for a conference call, at the Tribunal's convenience, to discuss any matters related to the disposition of this application.

5. **AND FURTHER TAKE NOTICE** that the parties submit that no hearing is required in light of the particular facts of this case, including the fact that notice was given to all affected members of Interac, that comments were specifically requested, that no negative comments were made and that the Commissioner has consented to the proposed amendment.

6. **AND FURTHER TAKE NOTICE** that reference may be made to the Statement of Grounds and Material Facts, the Affidavit of Kirkland Morris, the Draft Order and the Consent, filed herewith as Schedules A, B, C and D, respectively, and to such further and additional material as counsel deem appropriate and as this Tribunal may allow.

DATED at Toronto, Ontario this *17<sup>th</sup>* day of May, 2005.



Mark J. Nicholson

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**TO:** The Registrar of the Competition Tribunal

**AND TO:** Ms. Josephine A.L. Palumbo  
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B E T W E E N :

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TO VARY CONSENT ORDER**

(Filed this *17<sup>th</sup>* day of May, 2005)

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