

THE COMPETITION TRIBUNAL

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

IN THE MATTER OF an application by the Commissioner of Competition under section 92 of the *Competition Act*;

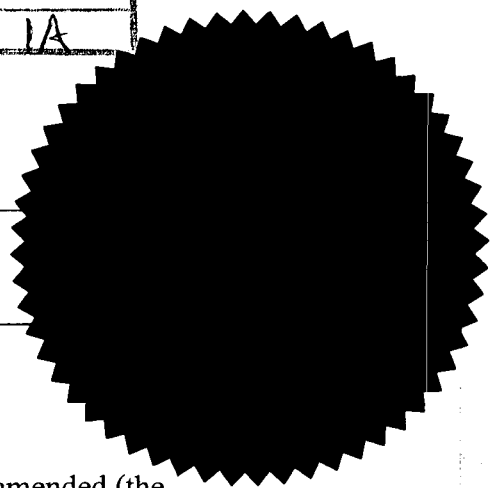
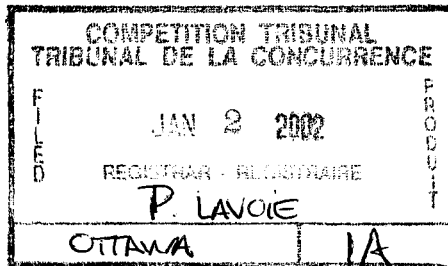
AND IN THE MATTER OF the acquisition by United Grain Growers Limited of Agricore Cooperative Ltd., a company engaged in the grain handling business.

BETWEEN:

**COMMISSIONER OF COMPETITION
(applicant)**

- and -

**UNITED GRAIN GROWERS LIMITED
(respondent)**



NOTICE OF APPLICATION

TAKE NOTICE THAT:

1. Pursuant to section 92 of the *Competition Act*, R.S.C. 1985, c. C-34, as amended (the “Act”), the Commissioner of Competition (the “Commissioner”) will make an application, as outlined in the Statement of Grounds and Material Facts attached hereto, to the Competition Tribunal (the “Tribunal”) for:

(a) an order or orders against the Respondents pursuant to section 92 of the Act requiring the Respondent to divest, at the Respondent’s option:

(i) all of its interests in the Pacific Elevators Limited (“Pacific”) grain terminal at the Port of Vancouver (as more fully described in paragraph 21 of the Statement of Grounds and Material Facts), Western Pool Terminals Limited (“WPTL”) and the Loan Agreement between Pacific,


WPTL and Alberta Wheat Pool dated January 11, 1996; or

(ii) UGG's grain terminal at the Port of Vancouver (as more fully described in paragraph 21 of the Statement of Grounds and Material Facts); and

(b) such further orders as may be appropriate.

AND TAKE NOTICE THAT if you do not file a response to this application with the Registrar of the Tribunal within 30 days of the date on which this application is served on you, the Tribunal may, upon *ex parte* application of the Commissioner, make the order the order sought by the Commissioner in this application.

Dated at Hull, Quebec, December 19, 2001

per: 

Konrad von Finckenstein, Q.C.
Commissioner of Competition

ADDRESSES FOR SERVICE OF THE APPLICANT:

John L. Syme
Arsalaan Hyder
Counsel for the Commissioner of Competition
Department of Justice
Place du Portage, Phase I
50 Victoria Street, 22nd Floor
Hull, Quebec
K1A 0C9

Telephone: (819) 997-3325
Facsimile: (819) 953-9267

TO: Registrar, Competition Tribunal
90 Sparks Street, 6th Floor
Ottawa, Ontario
K1A 0C9

AND TO: Davies Ward Phillips & Vineberg LLP
Suite 4400
1 First Canadian Place
Toronto, ON
M5X 1B1
Telephone: (416) 863-0900
Fax: (416) 863-0871

Attention: Kent Thomson
John Bodrug

Counsel for the Respondent