

**THE COMPETITION TRIBUNAL**

**IN THE MATTER OF** an application by the Commissioner of Competition for a consent order pursuant to sections 92 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34;

**AND IN THE MATTER OF** the acquisition by Abitibi-Consolidated Inc. of all of the outstanding shares of Donohue Inc.

**BETWEEN:**

**THE COMMISSIONER OF COMPETITION**

- and -

**ABITIBI-CONSOLIDATED INC.**

**Applicant**

COMMISSIONER OF COMPETITION TRIBUNAL DE LA CONCURRENCE	
FILED	DEC 18 2001
REGISTRAR - REGISTRE	
OTTAWA, ONT.	A
PRODUIT	

**Respondent**

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**NOTICE OF APPLICATION FOR A CONSENT ORDER**

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**TAKE NOTICE THAT:**

1. Pursuant to sections 92 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34 (the "Act"), the applicant, the Commissioner of Competition (the "Commissioner"), will make an application, on consent of the respondent, for:

- (a) an order pursuant to sections 92 and 105 of the *Act* in the form of the Draft Consent Order attached hereto;
- (b) an order maintaining the confidentiality of the period of the date by which the agent may complete the divestiture of the Designated Assets, as described in paragraph 1 and confidential Schedule "A" of the Draft Consent Order; and
- (c) such further or other order as the applicant and the respondent, on consent, may advise and as the Tribunal considers appropriate.

**AND TAKE NOTICE THAT:**

- 2. In support of this application for a consent order, the applicant will rely on the Statement of Grounds and Material Facts, the Affidavit of John Pecman dated the 17th day of December, 2001, the Consent Order Impact Statement, the Consent of the parties to this application, the Draft Consent Order, all filed, and such other material as may be filed or counsel may advise.
- 3. The name and address of the person against whom a consent order is sought is listed below.
- 4. The applicant and respondent request that this application be heard in the English language.

5. The applicant and respondent agree, subject to an order of the Tribunal, that no oral evidence will be given at the hearing of this application and that the evidence will be limited to the affidavit of John Pecman dated the 17th day of December, 2001, attached hereto.
  
6. The parties have agreed to maintain the confidentiality of the date by which the agent may complete the divestiture of the Designated Assets (as defined in the Draft Consent Order filed) on the basis that this information is confidential and its disclosure would be prejudicial to the respondent.

**DATED** at Hull, Quebec this 17th day of December, 2001.



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**Konrad von Finckenstein, Q.C.**  
Commissioner of Competition  
Place du Portage, Phase I  
50 Victoria Street, 21<sup>st</sup> Floor  
Hull, Quebec  
K1A 0C9  
Telephone: (819) 997-3301  
Facsimile: (819) 953-5013

**TO:** The Registrar of the Competition Tribunal  
90 Sparks Street, Suite 600  
Ottawa, Ontario  
K1P 5B4

**AND TO:** Abitibi-Consolidated Inc.  
1155, rue Metcalfe, suite 800  
Montreal, Québec  
H3B 5H2

**ADDRESS FOR SERVICE OF THE APPLICANT:**

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**Counsel for the Commissioner of Competition**

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**Solicitors for the Respondent**

**CT-01/**

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**NOTICE OF APPLICATION**

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**JOSEPHINE A.L. PALUMBO**

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