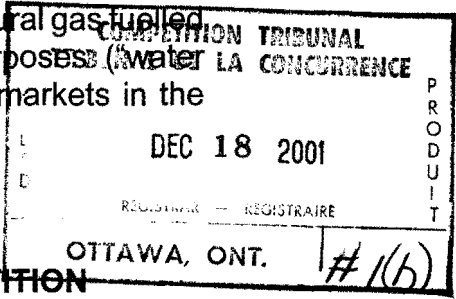


THE COMPETITION TRIBUNAL

IN THE MATTER OF an application by the Commissioner of Competition for a Consent Order pursuant to sections 79 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34 as amended;

AND IN THE MATTER OF certain practices of anti-competitive acts by Enbridge Services Inc. ("ESI") within certain markets in the province of Ontario;

AND IN THE MATTER OF an abuse of dominant position in the supply of conventional or power vented natural gas-fueled water heaters not used for commercial purposes (water heaters) and related services within certain markets in the province of Ontario.



BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

- AND -

ENBRIDGE SERVICES INC.

Respondent

NOTICE OF APPLICATION

TAKE NOTICE THAT:

1. The Commissioner of Competition (the "Applicant"), will make an application on consent of Enbridge Services Inc. ("ESI") (the "Respondent") to the Competition Tribunal pursuant to sections 79 and 105 of the *Competition Act* (the "*Competition Act*") for:

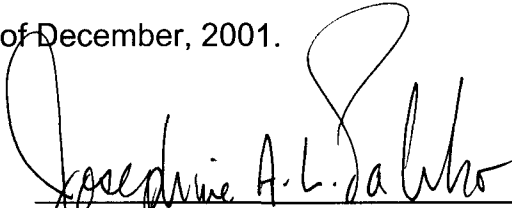
- a) an Order pursuant to sections 79 and 105 of the *Competition Act* as set out in the Draft Consent Order attached hereto; and
- b) such further and other order as the Applicant and the Respondent, on consent, may advise and this Honourable Tribunal considers appropriate.

AND TAKE NOTICE THAT:

- 2. In support of this application, the Applicant relies upon the Statement of Grounds and Material Facts, the Draft Consent Order, the Affidavit of Mark Ronayne dated the 17th day of December, 2001, the Consent Order Impact Statement and the Consent of the Parties to this application, all filed, and such other material as may be filed or counsel may advise.
- 3. The Applicant and the Respondent agree, unless the Tribunal requests otherwise, that no other evidence will be given in connection with this application and that the evidence will be limited to the Affidavit of Mark Ronayne dated the 17th day of December, 2001 attached hereto.
- 4. The names and addresses of the persons against whom a Consent Order is sought are listed below.

5. The Applicant and the Respondent request that, should a hearing be necessary, this application be held in Ottawa, Ontario, and that the proceedings be conducted in the English language.

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


for: Josephine A.L. Palumbo
Konrad von Finckenstein, Q.C.
Commissioner of Competition
Place du Portage, Phase I
50 Victoria Street, 21st Floor
Hull, Quebec
K1A 0C9
Telephone: (819) 997-3301
Facsimile: (819) 953-5013

ADDRESS FOR SERVICE OF THE APPLICANT:

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Competition Law Division
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Telephone: (819) 997-3325
Facsimile: (819) 953-9267

Counsel for the Commissioner of Competition

TO:

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

ADDRESSES FOR SERVICE OF THE RESPONDENT:

David M. Purdy

Enbridge Services Inc.
500 Consumers Road
North York, Ontario
M2J 1P8
Telephone: (416) 495-5877
Facsimile: (416) 753-7336

William G. VanderBurgh

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181 Bay Street
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Counsel for the Respondent

THE COMPETITION TRIBUNAL

IN THE MATTER OF an application by the Commissioner of Competition for a Consent Order pursuant to sections 79 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34 as amended;

AND IN THE MATTER OF certain practices of anti-competitive acts by Enbridge Services Inc. ("ESI") within certain markets in the province of Ontario;

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B E T W E E N:

THE COMMISSIONER OF COMPETITION

Applicant

- and -

ENBRIDGE SERVICES INC.

Respondent

NOTICE OF APPLICATION

JOSEPHINE A.L. PALUMBO

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Counsel to the Commissioner of Competition