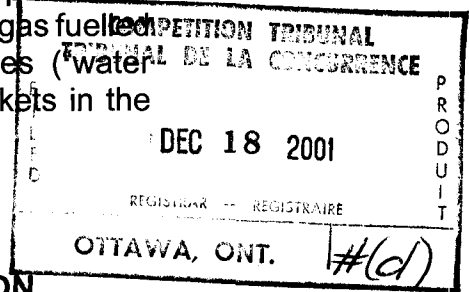


THE COMPETITION TRIBUNAL

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 fuelled 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

AFFIDAVIT OF MARK RONAYNE

I, Mark Ronayne, of the City of Ottawa, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am a Senior Competition Law Officer with the Civil Matters Branch, Competition Bureau, Industry Canada and an authorized representative of the Applicant, the Commissioner of Competition (the "Commissioner").

2. In this capacity, I have been engaged in a review of certain practices of anti-competitive acts by Enbridge Services Inc. (“ESI”) (the “Respondent”) within certain markets in the province of Ontario. As such, I have knowledge of the matters hereto deposed except that which is obtained upon information and belief and, where so stated, I verily believe such information to be true.

3. I have been involved in the conduct and management of the Inquiry described in the Statement of Grounds and Material Facts (the “Statement”) filed in support of this application by the Applicant in this matter.

4. I have analysed the conduct of the Respondent by examining such relevant factors as the product and geographic markets, market shares and barriers to entry in relation to certain markets in the province of Ontario for the supply of conventional or power vented natural gas fuelled water heaters not used for commercial purposes (“water heaters”) and related services.

5. In addition, I have reviewed information obtained on a voluntary basis from the parties and other industry participants and independent sources. I have also reviewed the research and analysis undertaken by economic and industry experts retained by the Applicant to assist in the Inquiry. As such, I have knowledge of the information contained in the Statement and I believe that information to be true.

6. The Statement provides a competitive analysis of the Respondent's activities with respect to the supply of water heaters and related services in relation to certain markets in the province of Ontario. The Statement sets out the Commissioner's conclusion that ESI has substantial control over the relevant markets for the supply of water heaters and related services in certain markets in Ontario and has engaged in a practice of anti-competitive acts which have resulted in a substantial lessening or prevention of competition in the relevant markets.

7. I further believe that the proposed remedies to be put in place pursuant to the Draft Consent Order will be sufficient to remove the substantial lessening or prevention of competition in the relevant markets by circumscribing certain behaviour of the Respondent.

SWORN before me at
the City of Hull, in the
Province of Quebec on
the day of December, 2001.

Mark Ronayne

Commissioner of Oaths
for taking Affidavits

THE COMPETITION TRIBUNAL

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B E T W E E N:

THE COMMISSIONER OF COMPETITION

Applicant

- and -

ENBRIDGE SERVICES INC.

Respondent

AFFIDAVIT OF MARK RONAYNE

JOSEPHINE A.L. PALUMBO

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