

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Commissioner of Competition v. Superior Propane Inc.*, 2000 Comp. Trib.18
File no.: CT1998002
Registry document no.: 201

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, and the Competition Tribunal Rules, SOR/94-290, as amended;

AND IN THE MATTER OF an inquiry pursuant to subsection 10(1)(b) of the *Competition Act* relating to the proposed acquisition of ICG Propane Inc. by Superior Propane Inc.;

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

B E T W E E N:

The Commissioner of Competition
(applicant)

and

Superior Propane Inc.
ICG Propane Inc.
(respondents)

Date of hearing: 20000908
Member: Nadon J. (presiding)
Date of order: 20000908
Order signed by: Nadon J.



**ORDER REGARDING THE COMMISSIONER'S MOTION FOR AN ORDER
STAYING THE ORDER DATED AUGUST 30, 2000**

[1] FURTHER TO the order of the Competition Tribunal dated August 30, 2000 with respect to the application brought by the Commissioner of Competition ("Commissioner") under section 92 of the Competition Act ("Act");

[2] AND FURTHER TO the motion brought by the Commissioner for an order staying the order dated August 30, 2000, perpetually or until the final determination of the Commissioner's appeal of the Tribunal's order to the Federal Court of Appeal;

[3] AND ON READING the notice of motion, the amended notice of motion and the memorandum of argument of the Commissioner, and the memorandum of argument of the respondents, Superior Propane Inc. and ICG Propane Inc., in response;

[4] AND ON HEARING counsel for the Commissioner and counsel for the respondents;

[5] THE TRIBUNAL ORDERS THAT the Commissioner's motion for an order staying the order of the Tribunal dated August 30, 2000, perpetually or until the final determination of the Commissioner's appeal of the order to the Federal Court of Appeal is denied.

DATED at Ottawa, this 8th day of September, 2000.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) Marc Nadon

APPEARANCES:

For the applicant:

The Commissioner of Competition

William J. Miller
Jo'Anne Strekaf

For the respondents:

Superior Propane Inc.
ICG Propane Inc.

Neil Finkelstein
Melanie L. Aitken
Russell Cohen
Brian Radnoff