



Reference: The Commissioner of Competition v. Superior Propane Inc., 2000 Comp. Trib. 20
File no.: CT1998002
Registry document no.: 203

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 reasons: 20000914
Reasons signed by: Nadon J.



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

[1] On September 8, 2000, I heard a motion brought by the Commissioner of Competition ("Commissioner") for an order staying the Tribunal's order dated August 30, 2000, pending the disposition of the Commissioner's appeal to the Federal Court of Appeal.

[2] I dismissed the Commissioner's motion on the ground that pursuant to Rule 398(1)(b) of the *Federal Court Rules*, 1998, such an application, where a notice of appeal has been filed, must be brought before a judge of the Court of Appeal.

[3] In the present instance, the Commissioner filed his notice of appeal on September 6, 2000. Hence, only a judge of the Federal Court of Appeal could give an order staying the Tribunal's order of August 30, 2000.

DATED at Ottawa, this 14th 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