



Reference: *The Commissioner of Competition v. Superior Propane Inc.*, 2000 Comp. Trib.17
File no.: CT1998002
Registry document no.: 200

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 RESPONDENTS' MOTION FOR AN ORDER
CONFIRMING THE TERMINATION OF THE CONSENT INTERIM ORDER DATED
DECEMBER 11, 1998**

[1] FURTHER TO the Reasons and 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 Consent Interim Order of the Tribunal dated December 11, 1998;

[3] AND FURTHER TO the motion brought by the respondents, Superior Propane Inc. and ICG Propane Inc. for an order confirming that the Consent Interim Order dated December 11, 1998 was terminated as at August 30, 2000, the date on which the Tribunal dismissed the application brought by the Commissioner under section 92 of the Act;

[4] AND ON READING the notice of motion, the amended notice of motion and the memorandum of argument of the respondents, the affidavit of Heidi Rubin dated September 6, 2000, and the memorandum of argument of the Commissioner in response;

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

[6] THE TRIBUNAL ORDERS THAT the motion brought by the respondents for an order confirming that the Consent Interim Order dated December 11, 1998 was terminated as at August 30, 2000, the date on which the Tribunal dismissed the Commissioner's application under section 92 of the Act is granted.

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