



Reference: The Bank of Montreal v. The Commissioner of Competition., 2000 Comp. Trib.13  
File no.: CT-95/02  
Registry document no.:115

IN THE MATTER OF an application by the Director of Investigation and Research under sections 79 and 105 of the Competition Act, R.S.C. 1985, c.C-34, as amended;

AND IN THE MATTER OF an abuse of dominant position in the supply of shared electronic network services for consumer-initiated shared electronic financial services;

AND IN THE MATTER OF a Consent Order granted by the Competition Tribunal dated June 20, 1996 and varied on March 25, 1998;

AND IN THE MATTER OF an application by Bank of Montreal, et al., under sections 105 and 106(b) of the Competition Act, R.S.C. 1985, c.C-34, as amended, to vary on consent the Consent Order granted by the Competition Tribunal on June 20, 1996 and varied on March 25, 1998.

BETWEEN:

Bank of Montreal  
The Bank of Nova Scotia  
Canada Trustco Mortgage Company  
Canadian Imperial Bank of Commerce  
La Confédération des caisses populaires et  
d'économie Desjardins du Québec  
Credit Union Central of Canada  
National Bank of Canada  
Royal Bank of Canada  
The Toronto-Dominion Bank  
Interac Inc.  
(applicants)

and

The Commissioner of Competition  
(respondent)

Date of pre-hearing: 20000727  
Member: McKeown J.  
Date of order:20000728  
Order signed by: McKeown, J.



**SCHEDULING ORDER**

[1] FURTHER TO section 79 of the Competition Tribunal Rules;

[2] AND FURTHER TO the submissions of the parties with respect to scheduling;

[3] AND ON CONSIDERING the submissions of the parties regarding the appropriate manner for effecting notice of the July 24, 2000 application to vary on consent (the "second consent variation application") the Tribunal's June 20, 1996 Consent Order ("Consent Order") to persons that might reasonably be expected to be affected by the second consent variation application;

THE TRIBUNAL ORDERS THAT:

[4] The parties shall, by August 3, 2000, provide to all intervenors in the proceedings leading to the Consent Order, a memorandum notifying them of the second consent variation application. The parties shall append to that memorandum a copy of the second consent variation application, the materials filed in support of the second consent variation application and a copy of this order. The parties shall, by August 3, 2000, file proof of having effected this notice.

[5] The parties shall, by August 3, 2000, provide to all members of the Interac Association, other than the respondents, a memorandum notifying the members of the second consent variation application. The memorandum shall include a brief description of the second consent variation application and shall indicate the deadlines for filing comments and requests for leave to intervene and that the second consent variation application and accompanying documents may be examined at the office of the Registrar. The parties shall, by August 3, 2000, file proof of having effected this notice.

[6] Comments and any requests for leave to intervene shall be addressed to the Registrar, Competition Tribunal, Royal Bank Centre, 600 - 90 Sparks Street, Ottawa, Ontario, K1P 5B4 or transmitted by facsimile machine at (613) 957-3170.

[7] If no requests for leave to intervene are filed, the hearing of the second consent variation application shall be held on September 8, 2000.

[8] The following schedule for pre-hearing procedures shall be observed:

August 30, 2000: Deadline for comments or requests for leave to intervene;

September 5, 2000: Responses to comments and requests for leave to intervene served and filed;

[9] If requests for leave to intervene are filed:

(a) a pre-hearing conference shall be held on September 8, 2000, to consider them; and

(b) a date for the hearing of the second consent variation application date will be determined by the Chairman.

[10] It shall be understood that the Tribunal, on or before 12:00 p.m. on September 7, 2000, will endeavour to provide the parties with any questions it has in relation to the second consent variation application.

DATED at Ottawa this 28<sup>th</sup> day of July, 2000.

Signed on behalf of the Tribunal by the presiding judicial member

(s) W.P. McKeown

A handwritten signature in black ink, appearing to read "W.P. McKeown", written in a cursive style.

APPEARANCES:

For the applicants:

Bank of Montreal  
The Bank of Nova Scotia  
Canada Trustco Mortgage Company  
Canadian Imperial Bank of Commerce  
La Confédération des caisses populaires et  
d'économie Desjardins du Québec  
Credit Union Central of Canada  
National Bank of Canada  
Royal Bank of Canada  
The Toronto-Dominion Bank  
Interac Inc.

Mark J. Nicholson

For the Respondent:

The Commissioner of Competition

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Josephine A. L. Palumbo