



Reference: *The Commissioner of Competition v. Superior Propane Inc.*, 2000 Comp. Trib. 6
File no.: CT1998002
Registry document no.: 183

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)



Dates of conference call: 20000517
Member: Nadon J. (presiding)
Date of order: 20000519
Order signed by: Nadon J.

ORDER REGARDING A REQUEST FOR ADJOURNMENT OF A MOTION AND OTHER MATTERS

[1] FURTHER TO a request made by counsel for the Commissioner of Competition (the "Commissioner");

[2] AND ON READING the notice of motion brought by the respondents, the affidavit of Mark Schweitzer dated May 15, 2000, the affidavit of Geoff Mackey dated May 15, 2000, and the memorandum of argument;

[3] AND ON READING the exchange of correspondence between counsel for the Commissioner and counsel for the respondents dated May 16 and 17, 2000, respectively;

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

[5] AND FOR THE reasons given orally on May 17, 2000;

THE TRIBUNAL ORDERS THAT:

[6] The respondents' motion returnable on May 23, 2000 shall be heard on May 29, 2000 at 9:00 a.m. in the hearing room of the Tribunal at 90 Sparks Street, Ottawa, Ontario.

[7] Counsel for the Commissioner shall be entitled to examine Messrs. Schweitzer and Mackey upon their affidavits on a date to be agreed upon by counsel, but at no later date than May 25, 2000.

[8] Any responding material shall be filed by counsel for the Commissioner by May 26, 2000 or on consent at some later date.

[9] The Commissioner's request for the issuance of subpoenas to examine departed employees of ICG is denied.

DATED at Québec, this 19th day of May, 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

For the respondents:

Superior Propane Inc.

ICG Propane Inc.

Neil Finkelstein

Melanie L. Aitken

Russell Cohen