

THE COMPETITION TRIBUNAL

IN THE MATTER OF an application by the Commissioner of Competition for a consent order pursuant to sections 92 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER OF the proposed acquisition by Ultramar Ltd. of a petroleum product terminal facility and wholesale supply business located in Ottawa currently owned by Coastal Canada Petroleum Inc.;

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

- and -

ULTRAMAR LTD.

Respondent

NOTICE OF APPLICATION FOR A CONSENT ORDER

TAKE NOTICE THAT:

1. Pursuant to sections 92 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34 (the "Act"), the applicant, the Commissioner of Competition, will make an application, on consent of the respondent, for:
 - (a) an order pursuant to sections 92 and 105 of the Act in the form of the draft consent order attached hereto; and,
 - (b) such further or other order as the applicant and the respondent, on consent, may advise and as the Tribunal considers appropriate.

AND TAKE NOTICE THAT:

2. In support of this application for a consent order, the applicant will rely on the statement of grounds and material facts, the affidavit of Michael Dilauro dated the 15th day of February, 2000, the consent order impact statement, the consent of the parties to this application, the draft consent order, all filed, and such other material as may be filed or counsel may advise.
3. The name and address of the person against whom a consent order is sought is listed below.
4. The applicant and respondent request that this application be heard in the English language.
5. The applicant and respondent agree, subject to an order of the Tribunal, that no oral evidence will be given at the hearing of this application and that the evidence will be limited to the testimony by affidavit of Michael Dilauro dated the 15th day of February, 2000, attached hereto.

DATED at Hull, Quebec this day of February, 2000.

Konrad von Finckenstein, Q.C.
Commissioner of Competition
Place du Portage, Phase I
50 Victoria Street, 21st Floor
Hull, Quebec
K1A 0C9
Telephone: (819) 997-3301
Facsimile: (819) 953-5013

TO: The Registrar of the Competition Tribunal
90 Sparks Street, Suite 600
Ottawa, Ontario
K1P 5B4

AND TO: Ultramar Ltd.
2200 avenue McGill College Avenue
Montréal, Québec
H3A 3L3

ADDRESS FOR SERVICE OF THE APPLICANT:

D. Martin Low, Q.C., Elspeth Gullen, Donna Blois
Department of Justice
Counsel to the Commissioner of Competition
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K1A 0C9

ADDRESS FOR SERVICE OF THE RESPONDENT:

Smith, Lyons
Barristers & Solicitors
Suite 5800, Scotia Plaza
Toronto, Ontario
M5H 3Z7

Telephone: (416) 369-7200
Fascimile: (416) 369-7250

Attention: Bruce M. Graham

Counsel for the respondent

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FOR A CONSENT ORDER**

D. Martin Low, Q.C., Elspeth Gullen and
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