

**THE COMPETITION TRIBUNAL**

**IN THE MATTER OF THE *COMPETITION ACT***, R.S. 1985, c.C-34, as amended, and the *Competition Tribunal Rules*, SOR/94-290, as amended (the “*Rules*”);

**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 Director of Investigation and Research for an interim order pursuant to section 100 of the *Competition Act*.

**B E T W E E N:**

**THE DIRECTOR OF INVESTIGATION AND RESEARCH**

**Applicant**

- and -

**SUPERIOR PROPANE INC., PETRO-CANADA INC., THE CHANCELLOR HOLDINGS CORPORATION and ICG PROPANE INC.**

**Respondents**

---

**NOTICE OF APPLICATION**

---

TAKE NOTICE that the Director of Investigation and Research (the “Director”) will make an application, on Friday, the 4<sup>th</sup> day of December, 1998, at the Competition Tribunal, Royal Bank Building, 6<sup>th</sup> Floor, 90 Sparks Street, Ottawa, Ontario, at 10:00 a.m.

The Application is for:

- (a) an Order against the Respondents pursuant to s. 100 of the *Competition Act* effective at 12:00:01 am Monday, December 7, 1998, to forbid any act or thing which the Tribunal considers may constitute or be directed toward the completion or implementation of the proposed acquisition of ICG Propane Inc. ("ICG") by Superior Propane Inc. ("ICG") (the "Merger"), for a period of no more than twenty-one (21) days after the Order. Specifically, the Director seeks to prevent the closing of the Merger, or such other order as may be just.

The grounds of the Application are:

- (a) that an inquiry has been made under section 10 of the *Competition Act* relating to the examination of the Merger pursuant to Part VIII of the *Competition Act*;
- (b) the parties to the Merger have advised that they intend to close the sale of shares of ICG to Superior on Monday, December 7, 1998;
- (c) the Director has concluded that the Merger is reasonably likely to create a substantial lessening or prevention of competition in the propane industry; and
- (d) the Director's remedy of dissolution, should the Merger close, will be substantially impaired given that the closing, while facially reversible, will devalue ICG as an integrated competitor in the market for propane in Canada; and,

- (e) in the event that the Tribunal allows the closing as aforesaid, the Director will seek the most efficacious order available to prevent the integration of the businesses of the merging parties.

The Applicant relies on sections 10 and 100 of the *Competition Act* and Rules 23, 24, 25 and 26 of the *Competition Tribunal Rules*.

The following documentary evidence will be presented:

- (a) the Affidavit of John Pecman, sworn the 30<sup>th</sup> day of November, 1998;
- (b) the Applicant's Memorandum of Argument on Interim relief; and
- (c) such further and other material as counsel may advise.

The addresses for service for the Respondents are:

Superior Propane Inc.  
Fifth Avenue Place  
425-1st Street SW  
PO Box 2595, Station M  
Calgary, AB T2P 4V5

All other Respondents  
c/o Petro-Canada Inc.  
150-6th Ave SW  
Calgary AB  
T2P 3E3

The Director requests that this application be held in the English language.

DATED at Ottawa, Ontario, this 30<sup>th</sup> Day of November, 1998.

---

Konrad von Finckenstein  
Director of Investigation  
and Research  
Place du Portage, Phase I  
21<sup>st</sup> Floor - 50 Victoria Street  
Hull, Quebec K1A 0C9

Telephone: (819) 997-3301  
Facsimile: (819) 953-5013