

Competition Tribunal



Tribunal de la Concurrence

CT - 98 / 02 – doc # 5

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 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
ICG Propane Inc.

Respondents

**ORDER REGARDING APPLICATION FOR INTERIM ORDER
UNDER SECTION 100 OF THE *COMPETITION ACT***

Date of Hearing:

December 4-6, 1998

Presiding Member:

The Honourable Mr. Justice Marshall Rothstein

Counsel for the Applicant:

The Director of Investigation and Research

William J. Miller
Josephine A.L. Palumbo

Counsel for the Respondents:

Superior Propane Inc.

Neil Finkelstein
Milos Barutciski
Melanie L. Aitken
Russell P. Cohen

Petro-Canada Inc.
The Chancellor Holdings Corporation
ICG Propane Inc.

Randal T. Hughes

COMPETITION TRIBUNAL

**ORDER REGARDING APPLICATION FOR INTERIM ORDER
UNDER SECTION 100 OF THE *COMPETITION ACT***

The Director of Investigation and Research

v.

Superior Propane Inc. et al.

UPON THE APPLICATION of the Director of Investigation and Research pursuant to section 100 of the *Competition Act* for an interim order that the respondents not do any acts or things constituting or directed toward the completion or implementation of the merger between the respondents Superior Propane Inc. and ICG Propane Inc. (the “merger”) until such other or further order of the Competition Tribunal, or a period ending not more than 21 days following the grant of the said order;

AND UPON READING the Notice of Application and the affidavits filed by the Director and the respondents;

AND UPON HEARING counsel for the Director and for the respondents;

AND FOR THE reasons given orally from the bench on Sunday, December 6, 1998;

THE TRIBUNAL ORDERS THAT:

The Director's application for an interim order is dismissed.

DATED at Ottawa this 6th day of December, 1998.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) Marshall Rothstein
Marshall Rothstein