

THE COMPETITION TRIBUNAL

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.

BETWEEN:

THE DIRECTOR OF INVESTIGATION AND RESEARCH

Director

- and -

**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 and INTERAC INC.**

Respondents

NOTICE OF APPLICATION

TAKE NOTICE THAT:

1. The Director of Investigation and Research ("Director") will make an application to the Competition Tribunal ("Tribunal") pursuant to sections 79 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34, as amended, ("*Act*") for:

(a) an order in the form of the Draft Consent Order attached hereto as Schedule "B"; and

- (b) such further and other orders as the Director and Respondents, on consent, may advise and the Tribunal may consider appropriate.

AND TAKE NOTICE THAT:

2. The Director will rely upon the Statement of Grounds and Material Facts attached hereto as Schedule "A", the Draft Consent Order attached hereto as Schedule "B", the Consent Order Impact Statement attached hereto as Schedule "C", the Consent of the Respondents attached hereto as Schedule "D", this Notice of Application, and such other material as may be filed or counsel may advise.
3. The names and addresses of the Respondents against whom a Consent Order is sought are listed below.
4. The Director requests that the Application be heard in the English language at Ottawa.

Dated at the City of Hull, in the Province of Québec, this 14th day of December, 1995.

GEORGE N. ADDY,
Director of Investigation and Research

ADDRESS FOR SERVICE OF THE DIRECTOR:

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Counsel to the Director
of Investigation and Research

TO: **THE REGISTRAR**
Competition Tribunal
600-90 Sparks Street
Ottawa, Ontario
K1P 5B4

AND TO: **BLAKE, CASSELS & GRAYDON**
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Box 25, Commerce Court West
Toronto, Ontario
M5L 1A9
Attention: John J. Quinn

BANK OF MONTREAL
55 Bloor Street West
15th Floor
Toronto, Ontario
M4W 3N5

Attention: Senior Vice-President, Customer Service
Personal Commercial Financial Services

THE BANK OF NOVA SCOTIA

61 Front Street West
2nd Floor
Toronto, Ontario
M5J 1E5
Attention: Vice-President - Card Products & Marketing

CANADA TRUSTCO MORTGAGE COMPANY

380 Wellington Street, 12th Floor
London, Ontario
N6A 4S4
Attention: Assistant General Counsel

CANADIAN IMPERIAL BANK OF COMMERCE

199 Bay Street,
Commerce Court West, 4th Floor
Toronto, Ontario
M5L 1A2
Attention: Vice-President - Personnel & Commercial Bank

**LA CONFÉDÉRATION DES CAISSES POPULAIRES
ET D'ÉCONOMIE DESJARDINS DU QUÉBEC**

1, Complexe Desjardins, 25th Floor
C.P. 7, Succursale Desjardins
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Attention: Vice-présidente, Gestion des produits et marchés

CREDIT UNION CENTRAL OF CANADA

300 The East Mall, 5th Floor
Toronto, Ontario
M9B 6B7
Attention: Executive Vice-President
Electronic Services Development

NATIONAL BANK OF CANADA

150 York Street
Suite 1200
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M5H 3A9
Attention: Assistant General Counsel
Legal Affairs

ROYAL BANK OF CANADA

Royal Bank Plaza
200 Bay Street
23rd Floor
Toronto, Ontario
M5J 2J5
Attention: Senior Vice-President, Card Services

THE TORONTO-DOMINION BANK

15th Floor, Royal Trust Tower
Toronto Dominion Centre
Toronto, Ontario
M5H 1A2
Attention: Senior Vice-President
Card and Direct Services

INTERAC INC.

Suite 1905, P.O. Box 109
121 King Street West
Toronto, Ontario
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Attention: President

TABLE OF CONTENTS

SCHEDULE "A" - STATEMENT OF GROUNDS AND MATERIAL FACTS

I. MATERIAL FACTS 6

 A. The Parties 8

 B. Interac Association 9

 C. Shared Cash Dispensing ("SCD") 11

 D. Interac Direct Payment ("IDP") 16

 E. Service Innovation 18

II. STATEMENT OF GROUNDS 19

 A. Class or Species of Business 20

 B. Substantial Control 24

 C. Practice of Anti-competitive Acts 28

 D. Substantial Lessening of Competition 34

III. RELIEF SOUGHT 36

APPENDICES:

 Appendix "A": Glossary 38

 Appendix "B": Interac Fees & Related Charges 43

SCHEDULE "B" - DRAFT CONSENT ORDER

SCHEDULE "C" - CONSENT ORDER IMPACT STATEMENT

SCHEDULE "D" - CONSENT OF THE RESPONDENTS