

THE COMPETITION TRIBUNAL

CT - 88/1

IN THE MATTER OF an application by the Director of Investigation and Research under subsection 64(1) of the *Competition Act*, R.S.C. 1970, c. C-23, as amended;

AND IN THE MATTER OF a Limited Partnership formed to combine the operations of the Reservec and Pegasus computer reservation systems;

AND IN THE MATTER OF The Gemini Group Automated Distribution Systems Inc.;

AND IN THE MATTER OF an application by the Director of Investigation and Research under section 106 of the *Competition Act*, R.S.C. 1985, c. C-34. as amended, to vary the Consent Order of the Tribunal dated July 7, 1989;

AND IN THE MATTER OF an application by PWA Corporation and Canadian Airlines International Ltd. under section 106(b) of the *Competition Act*, R.S.C. 1985, c. C-34, as amended, to vary the Order Varying Consent Order dated July 7, 1989 of the Competition Tribunal issued on November 24, 1993.

B E T W E E N:

THE DIRECTOR OF INVESTIGATION AND RESEARCH

Applicant

- and -

AIR CANADA
PWA CORPORATION
CANADIAN AIRLINES INTERNATIONAL LTD.
THE GEMINI GROUP LIMITED PARTNERSHIP
THE GEMINI GROUP AUTOMATED DISTRIBUTION SYSTEMS INC.
COVIA CANADA CORP.
COVIA CANADA PARTNERSHIP CORP.

Respondents

- and -

CONSUMERS' ASSOCIATION OF CANADA
AMERICAN AIRLINES, INC.
ATTORNEY GENERAL OF MANITOBA
ALLIANCE OF CANADIAN TRAVEL ASSOCIATIONS
BIOS COMPUTING CORPORATION
IBM CANADA LTD.
VIA RAIL CANADA INC.
UNISYS CANADA INC.
COUNCIL OF CANADIAN AIRLINES EMPLOYEES
ATTORNEY GENERAL OF ALBERTA

Intervenors

**NOTICE OF APPLICATION FOR CONSENT ORDER
VARYING ORDER ISSUED NOVEMBER 24, 1993**



TRIBUNAL DE LA CONCURRENCE CONSUMER TRIBUNAL DE LA CONCURRENCE	
F I L E D	4B OCT 20 1994
REGISTRAR - REGISTRAIRE	
OTTAWA, ONT.	

TAKE NOTICE that the Respondents PWA Corporation and Canadian Airlines International Ltd. hereby apply for an order:

1. Varying the Order varying Consent Order dated July 7, 1989 of the Competition Tribunal issued on November 24, 1993 to add the following paragraph:

13. Air Canada shall be directly responsible for completion of the transfer to Canadian or as Canadian may direct of all the services, supports and benefits to which Canadian is entitled under the provisions of the Hosting Contract and of the Canadian Database, including all steps and matters necessary or incidental thereto to allow the hosting of Canadian to operate in live production use after the transfer, on a basis equal to the current responsibility of the General Partner and of the Partnership hereunder but without deleting or lessening the current responsibility of the General Partner or the Partnership hereunder.

2. Directing that the provisions of the *Competition Tribunal Rules* relating to an application which ordinarily apply shall be dispensed with pursuant to section 49 of the *Competition Tribunal Rules*;
3. Directing that the application shall be disposed of without personal appearance of the parties or intervenors pursuant to section 69 of the Rules; and
4. Directing that notice of this application and the supporting materials filed therewith shall have been served on the parties and intervenors who participated in the application brought by the Director of Investigation and Research on November 5, 1992 to vary the Consent Order of the Competition Tribunal dated July 7, 1989 and that service by facsimile on their respective counsel at the address and fax numbers used in that application shall be good and sufficient.

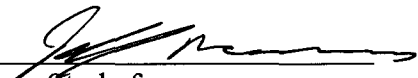
AND FURTHER TAKE NOTICE that this application is brought pursuant to section 106(b) of the *Competition Act*, R.S.C. 1985, c. 19 (2nd Supp) as amended, and Rules 49 and 69 of the *Competition Tribunal Rules*.

AND FURTHER TAKE NOTICE that the grounds upon which the application is sought are that the Director and the Respondents have consented to the granting of the within order.

AND FURTHER TAKE NOTICE that reference may be made to the Affidavit of Kenneth John Fredeen, filed herewith, and the consents to the granting of the proposed draft order, filed herewith.

AND FURTHER TAKE NOTICE that this Applicant has requested that prior to considering this application that the Competition Tribunal allow a period of 10 days following service of this application upon the intervenors, during which period any intervenor who wishes to comment on the application may file same with the Competition Tribunal and serve a copy on the parties hereto.

DATED at Ottawa, Ontario this 20th day of October, 1994.

per 
Jo'Anne Strekaf

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AND TO:

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