

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.

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

**ORDER REGARDING PARAGRAPH 16
OF CONSENT ORDER DATED JULY 7, 1989**

Decided on the basis of the written record

Presiding Member:

The Honourable Mr. Justice William P. McKeown

Lay Members:

Mr. Victor L. Clarke
Mr. Gaëtan Mathieu

Counsel for the Applicant:

Director of Investigation and Research

Donald B. Houston

Counsel for the Respondents:

Air Canada

William V. Sasso

Canadian Airlines International Ltd. and PWA Corporation

Dennis R. O'Connor, Q.C.
Robert S. Russell

**The Gemini Group Limited Partnership and The Gemini Group Automated
Distribution Systems Inc.**

Brian G. Morgan

COMPETITION TRIBUNAL

**ORDER REGARDING PARAGRAPH 16
OF CONSENT ORDER DATED JULY 7, 1989**

The Director of Investigation and Research

v.

Air Canada et al.

FURTHER TO paragraph 19 of the Consent Order issued by this Tribunal on July 7, 1989;

AND FURTHER TO the motion brought by PWA Corporation regarding the application of paragraph 16 of the Consent Order dated July 7, 1989;

AND FURTHER TO the consent of PWA Corporation, The Gemini Group Automated Distribution Systems Inc., Air Canada and the Director of Investigation and Research;

AND UPON NOTICE TO Covia Canada Corporation, Covia Canada Partnership Corporation and the intervenors;

THE TRIBUNAL ORDERS THAT the Consent Order dated July 7, 1989, in particular paragraph 16, does not prevent The Gemini Group Automated Distribution Systems Inc., on its own behalf or on behalf of The Gemini Group Limited Partnership, from providing oral and documentary discovery in the proceedings before the Ontario Court of Justice (General Division) under Court File No. 92-CQ-29269, Commercial List No. B351/92 within the terms of what is referred to as "Level 1 Confidentiality" in paragraph 5 of the Order of the Ontario Court (General Division) dated May 20, 1993 (attached as Schedule "A").

DATED at Ottawa, this 13th day of August, 1993.

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

(s) W.P. McKeown _____
W.P. McKeown