

Competition Tribunal



Tribunal de la concurrence

Registry Document No.: 102

Date: February 16, 2022

Matter: CT-2021-002 – *Commissioner of Competition v Secure Energy Services Inc.*

Direction to Counsel (from Mr. Justice Gascon, Chairperson)

Re: Filing of the Agreed Book of Documents

Further to the exchanges between the Tribunal Registry and the parties in late January 2022, and in anticipation of the hearing in the above-mentioned matter, the Tribunal directs as follows:

a. Deadlines to file documents

- Counsel shall submit the initial Agreed Book of Documents to the Tribunal Registry by Friday, April 8, 2022.
- As agreed upon by the parties on January 27, 2022, the total number of documents to be contained in the initial Agreed Book of documents shall not exceed 50,000. Since the parties also indicated that they would submit one joint Agreed Book of Documents, no numbers are allocated to either party.
- If counsel wish to submit additional documents in advance of the hearing, to be included in the Agreed Book of Documents, the Tribunal Registry will accept additional documents on Thursday, April 14, Friday, April 22, and Friday, April 29. Each of these additional production(s) shall not exceed a total of 2,000 documents.
- Moreover, if counsel wish to submit documents that have not been included in the Agreed Book of Documents once the hearing has begun, the daily number of electronic documents that counsel for each party may submit shall not exceed a total of 15, and any such documents are to be received at least one hour prior to the commencement of the hearing on the day that counsel intend to use the documents.
- It is understood that all documents are to be submitted to the Tribunal Registry electronically.

- Failure to respect the above-stated deadlines may result in unexpected delays at the hearing, which the Tribunal may elect to deduct from the relevant party's allocated chess-clock time.

b. Filing of documents

- All documents submitted to the Tribunal Registry shall be provided by email. Each time documents are submitted to the Tribunal Registry (including at the hearing), counsel shall include an index in the form of a Microsoft Excel Spreadsheet saved as CSV (Comma Separated Value) format as file type [Spreadsheet]. The Spreadsheet shall include the following details:
 - The document number (which shall be identical to the file name, *e.g.*, 40.pdf or 56875.xls)
 - The document title (which shall be a brief description of the document)
 - The description should be complete and indicative of what the document contains, such that it can be used as the name of the Exhibit if the document become is entered as an Exhibit at the hearing. Counsel should also make sure that the description is entirely public, even in the case of confidential documents, as it will form a part of the public List of Exhibits if the documents become Exhibits over the course of the hearing.
 - Whether the document is “public” or “confidential”
 - Counsel shall not specify the confidentiality level in the Spreadsheet.
- As the import process is automatic, it is important that the Spreadsheets respect this prescribed format. Please also refer to the example attached as Schedule A, below.
- Failure to follow the above-mentioned procedure may result in the Tribunal Registry not accepting the filing and requesting that counsel submit a revised Spreadsheet.

c. Format of documents

- All electronic documents submitted to the Tribunal Registry shall be in Portable Document Format (PDF) and shall be searchable. This searchable format can be obtained by scanning the document and its attachments using the OCR (Optical Characters Recognition) tool in your .pdf reader. This will enable Tribunal members to highlight, make notes or search the documents during the hearing.
- With respect to resolution and file size, counsel should take into consideration the following basic principles to help manage and limit the resolution and size of PDF documents:
 - Most scanners have settings for adjusting the resolution, either on the device itself or in the user software. The Tribunal recommends experimenting to find the lowest resolution that produces clear, legible documents.

- Colour documents and photos are much larger than black-and-white documents and photos. Counsel should consider whether using colour is necessary.
 - Text documents can usually be scanned at much lower resolutions than photos.
 - Not all pages in a document are the same size. Pages with images, graphics or charts are often much larger than pages containing only text.
 - The lower the resolution, the smaller the overall document size will be. The smaller the digital file size, the easier it will be to navigate on a computer or mobile device, as larger PDF files use more system resources to open, navigate and edit.
- All pages of each document (from the very first page to the very last page), including the expert reports and witness statements, shall be numbered consecutively throughout, and shall match the PDF page numbering. This can easily be done using the numbering tool.

 - The exhibits or tabs attached to a witness statement, expert report or any other document shall be numbered consecutively, along with the main document. For instance, if the last page of an expert report is page 91, the first exhibit or tab attached to it would start at page 92, and so on. Any other numbering found within exhibits and tabs may remain, but counsel shall solely use the PDF page numbers when referring to a document during the hearing.

 - All exhibits and tabs within documents must be bookmarked. This can easily be done using the bookmark tool.

Should counsel have any questions or concerns, they should contact Annie Ruhlmann at 613-941-2440 or by email at annie.ruhlmann@tribunal.gc.ca.

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SCHEDULE A

IMPORTANT: One document per row

	A	B	C	D	E	F	G	H	I	J	K
1	Doc. #	Doc. Title	public/confidential		→		Respect the titles, format and order of the columns				
2	002345	test 1	confidential								
3	043670	test 2	confidential								
4	256789	test 3	public								
5											
6											
7											

do not indicate the confidentiality level

Use the "custom" cell format so that all cells show all 6 digits

Format Cells

Category: Custom

Sample: 002345

Type: 000000

NOTE: To save an EXCEL spreadsheet as a CSV file, click File, Save As and in the Save as type drop down list, select CSV (Comma delimited)(* .csv)

File name: Example of CSV file.csv

Save as type: CSV (Comma delimited) (*.csv)

Save Cancel