

Competition Tribunal



Tribunal de la concurrence

Citation: *Canada (Commissioner of Competition) v Rogers Communications Inc. and Shaw Communications Inc.*, 2022 Comp Trib 4

File No.: CT-2022-002

Registry Document No.: 27

**IN THE MATTER OF** an application by the Commissioner of Competition under section 104 of the *Competition Act*, RSC 1985, c C-34, as amended, for interim orders pending the hearing of an application under section 92 of the *Competition Act*.

BETWEEN:

**The Commissioner of Competition**  
(applicant)

and

**Rogers Communications Inc.**  
**Shaw Communications Inc.**  
(respondents)



Date of case management conference: May 17, 2022

Before: Mr. Justice Andrew D. Little (Chairperson)

Date of order: May 18, 2022

**SCHEDULING ORDER**

[1] **FURTHER TO** an application filed by the Commissioner of Competition (the “**Applicant**” or the “**Commissioner**”) on May 9, 2022 against Rogers Communications Inc. and Shaw Communications Inc. (together, the “**Respondents**”) under section 92 of the *Competition Act*, RSC, 1985, c C-34, and an application by the Commissioner for relief under section 104 of the *Competition Act*;

[2] **AND CONSIDERING** the discussions with counsel for the parties at a case management conference (“**CMC**”) held on May 17, 2022;

[3] **AND FURTHER TO** the Tribunal’s *Practice Direction Regarding Timelines and Scheduling for Proceedings before the Tribunal* (“**Timelines Practice Direction**”);

[4] **AND WHEREAS** the Tribunal is satisfied that the following scheduling order is appropriate and respects the principles found in subsection 9(2) of the *Competition Tribunal Act*, RSC, 1985, c 19 (2<sup>nd</sup> Supp), which direct the Tribunal to deal with all matters as informally and expeditiously as the circumstances and considerations of fairness permit, as well as the Timelines Practice Direction;

**THE TRIBUNAL ORDERS THAT:**

[5] The schedule for the steps in connection with the Commissioner’s application under section 104 of the *Competition Act* shall be as follows:

- |   |   |
|---|---|
| Tuesday, May 31, 2022                                 | Respondents to file their Responses to the application under section 104 and responding application records |
| Wednesday, June 1, 2022 at the latest                 | Parties to identify witnesses for cross-examination, except Reply witnesses                                 |
| Tuesday, June 7, 2022                                 | Applicant may file a Reply and a reply record   |
| Wednesday, June 8, 2022 –<br>Friday, June 10, 2022    | Cross-examinations  |
| Monday, June 13, 2022                                 | Parties to file their memoranda on legal principles applicable to relief under section 104                  |
| Monday, June 20, 2022                                 | Applicant to file memorandum of fact and law  |
| Friday, June 24, 2022                                 | Respondents to file memoranda of fact and law<br><br>CMC (if requested by a party)                          |
| Wednesday, June 29, 2022 –<br>Thursday, June 30, 2022 | Hearing of the Commissioner’s section 104 application starting at 10 a.m., by Webcast videoconference.      |

[6] The morning of Tuesday, June 28, 2022 is also reserved for the hearing of the section 104 application, if needed.

[7] Further CMCs may be requested, as needed.

DATED at Toronto, this 18<sup>th</sup> day of May 2022.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Andrew D. Little

**COUNSEL OF RECORD:**

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Commissioner of Competition

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Rogers Communications Inc.

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For the respondent:

Shaw Communications Inc.

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