

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER OF the proposed acquisition by Rogers Communications Inc. of Shaw Communications Inc.; and

AND IN THE MATTER OF an application by the Commissioner of Competition for one or more orders pursuant to section 92 of the *Competition Act*.

B E T W E E N :

COMMISSIONER OF COMPETITION

Applicant

- and -

**ROGERS COMMUNICATIONS INC. AND
SHAW COMMUNICATIONS INC.**

Respondents

Demand for Particulars

1. At paragraphs 2, 4 and 36 of its Response, Rogers claims that “the transaction will increase competition”. With respect to these allegations, the Commissioner demands Rogers provide particulars of each increase to competition claimed by Rogers, including to identify:
 - a. each product and geographic market in which Rogers claims competition will increase;
 - b. the material facts as to why competition will increase in these markets;
 - c. whether the relevant competitive effects are unilateral or coordinated;

- d. each enhancement to output, if any, is claimed by Rogers; and
 - e. which enhancement to output, if any, Rogers claims would remain cognizable in the event of a divestiture of Freedom.
2. At paragraphs 4 and 39-41 of its Response Rogers claims that the transaction gives rise to “significant productive and dynamic efficiencies”. With respect to these allegations, the Commissioner demands Rogers provide particulars of:
- a. each productive efficiency Rogers claims is cognizable under section 96 of the *Competition Act*, R.S.C. 1985, c. C-34 (the “Act”) , including to identify:
 - i. each claimed “cost savings” and “reduction in redundant real estate and network equipment”;
 - ii. the components of each claimed “cost savings” and “reduction in redundant real estate and network equipment”; and
 - iii. the product and geographic market in which Rogers claims the efficiency will be achieved.
 - b. each dynamic efficiency Rogers claims is cognizable under section 96 of the Act, including to identify:
 - i. each “quality improvement” alleged, and in respect of which product or service;
 - ii. any other dynamic efficiency alleged, if any, in respect of what product or service and over what time period;
 - iii. the product and geographic market(s) in which Rogers claims the alleged dynamic efficiency will be achieved; and
 - c. which efficiencies Rogers claims remain cognizable in the event of a divestiture of Freedom.

Dated: June 10, 2022.

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