

Competition Tribunal



Tribunal de la concurrence

Citation: *Canada (Commissioner of Competition) v Rogers Communications Inc. and Shaw Communications Inc.*, 2022 Comp Trib 8

File No.: CT-2022-002

Registry Document No.: 154

IN THE MATTER OF an application by the Commissioner of Competition for one or more orders pursuant to section 92 of the *Competition Act*, RSC 1985, c C-34 as amended.

BETWEEN:

Commissioner of Competition

(applicant)

and

Rogers Communications Inc. and

Shaw Communications Inc.

(respondents)



Date of case management conference: August 4, 2022

Before: Chief Justice Paul S. Crampton (Presiding Member)

Date of Order: August 4, 2022

ORDER REGARDING THE MOTION FOR LEAVE TO INTERVENE BY VIDEOTRON LTD.

[1] **WHEREAS** counsel for the Applicant, the Respondents and the Proposed Intervener Videotron participated in a Case Management Conference with Chief Justice Crampton earlier today, August 4, 2022;

[2] **AND WHEREAS** the following draft Order was considered and agreed upon by the parties, and Chief Justice Crampton;

THE TRIBUNAL HEREBY GRANTS THE FOLLOWING ORDER:

[3] Videotron is granted leave to intervene on the following topics (the “**Intervention Topics**”) which relate solely to whether the proposed acquisition by Videotron of all of the issued and outstanding shares of Freedom Mobile Inc. from Shaw Telecom Inc. (the “**Divestiture**”) will eliminate any substantial lessening or prevention of competition (“**SLC**”) asserted by the Commissioner in his Application:

- a. Videotron's operational abilities including its history as an effective and disruptive competitor in Quebec;
- b. whether the Divestiture will provide Videotron with sufficient assets to eliminate any SLC asserted by the Commissioner in his Application;
- c. whether the Divestiture will enable Videotron to operate independently of Rogers;
- d. whether the Divestiture will likely produce any efficiencies that would accrue to Videotron; and
- e. Videotron's plans regarding entry, pricing, bundling, and competition.

[4] In its role as intervenor in relation only to the Intervention Topics, Videotron shall:

- a. prepare and deliver an affidavit of documents no later than August 29, 2022 with rolling production to begin no later than August 22, 2022;
- b. produce a representative for oral discovery during the week of September 5, 2022;
- c. have the right to observe but not otherwise participate in any other oral discoveries;
- d. have the right to review any discovery transcripts and access any discoverable documents of the parties;
- e. have the right to attend, file materials and make representations at motions, case

conferences or scheduling conferences, to the extent they affect Videotron's participation in the proceeding and relate to the Intervention Topics;

- f. have the right to participate in and file materials for any mediation;
- g. have the right to file and receive fact and expert evidence for and at the hearing of the Application;
- h. have the right to cross-examine witnesses at the hearing of the Application; and
- i. have the right to make written and oral arguments, statements or submissions for and at the hearing of the Application.

DATED at Toronto, this 4th day of August 2022.

SIGNED on behalf of the Tribunal by the Presiding Member.

(s) Paul S. Crampton

COUNSEL OF RECORD:

For the applicant:

Commissioner of Competition

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Derek Leschinsky
Katherine Rydel
Ryan Caron
Suzanie Chua
Kevin Hong

For the respondent:

Rogers Communications Inc.

Jonathan Liss
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For the respondent:

Shaw Communications Inc.

Kent E. Thomson
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For the applicant for leave to intervene:

Videotron Ltd.

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