

Competition Tribunal



Tribunal de la concurrence

Citation: *Canada (Commissioner of Competition) v Rogers Communications Inc. and Shaw Communications Inc.*, 2022 Comp Trib 14

File No.: CT-2022-002

Registry Document No.: 189

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

and

**Attorney General of Alberta**  
**Vidéotron Ltd.**  
(intervenor)



Date of hearing: August 26, 2022

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

Date of Order: August 26, 2022

**ORDER REGARDING THE ADMISSION FOR FILING OF FRESH AS AMENDED  
RESPONSES FROM THE RESPONDENTS**

**UPON** considering correspondence, dated August 25, 2022, from the Commissioner of Competition (“**Commissioner**”) submitting that the Fresh as Amended Responses from the respondents Shaw Communications Inc. (“**Shaw**”) and Rogers Communications Inc. (“**Rogers**”, and together with Shaw, the “**Respondents**”) should not be accepted for filing unless and until a motion is duly filed and other parties have had a chance to respond thereto;

**AND UPON** considering the response, dated August 26, 2022, submitted on behalf of the Respondents;

**AND UPON** considering that the issue of amended pleadings was discussed at a Case Management Conference on August 4, 2022, during which I indicated to the Respondents that I was sympathetic to the Commissioner’s position that amendments to pleadings ought to be made;

**AND UPON** considering that the Respondents then represented, during the Case Management Conference, that they would submit amended pleadings expeditiously in light of the time pressures that were discussed during the hearing;

**AND UPON** considering that the Commissioner observed that such representations were “helpful”;

**AND UPON** considering that the Commissioner then served Amended Replies on August 15, 2022;

**AND UPON** considering that requiring the Respondents to file a motion before their amended pleadings are accepted for filing would divert time away from other important matters that they and the Commissioner are focusing upon in an already full and tight schedule;

**AND UPON** considering Rule 34(1) of the *Competition Tribunal Rules*, SOR/2008-141;

**AND UPON** considering Rule 55 of the *Federal Courts Rules*, SOR/98-106;

**THE TRIBUNAL ORDERS as follows:**

- [1] The Fresh as Amended Responses from Shaw and Rogers be accepted for filing;
- [2] There is no order as to costs.

DATED at Ottawa, this 26<sup>th</sup> 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**

John S. Tyhurst  
Derek Leschinsky  
Katherine Rydel  
Ryan Caron  
Kevin Hong

For the respondents:

**Rogers Communications Inc.**

Julie Rosenthal  
David Rosner  
Michael Koch  
Jonathan Lissus  
Crawford Smith  
Matthew Law  
Brad Vermeersch

**Shaw Communications Inc.**

Kent E. Thomson  
Derek D. Ricci  
Steven G. Frankel  
John Bodrug

For the intervenors:

**Attorney General of Alberta**

Kyle Dickson-Smith  
Opeyemi Bello  
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**Videotron Ltd.**

John F. Rook  
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