

Competition Tribunal



Tribunal de la concurrence

Citation: *Canada (Commissioner of Competition) v Rogers Communications Inc. and Shaw Communications Inc.*, 2022 Comp Trib 22

File No.: CT-2022-002

Registry Document No.: 641

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
Videotron Ltd.
(intervenor)



ORDER

(Motion to Strike Portions of Witness Statements Delivered by the Commissioner)

UPON considering the materials filed by the respondents and the applicant on this Motion;

AND UPON having had an initial conversation with counsel to the parties about this Motion earlier this week, during the hearing of a related Motion;

AND UPON considering a letter dated November 3, 2022 on behalf of the respondents, stating that the respondents have unilaterally decided to narrow the issues in dispute to the 10 items addressed below, in request of which they request a ruling;

AND UPON considering that the requested ruling relates solely to the portions of the paragraphs mentioned below that were underlined in charts appended to the parties' Motion materials;

THE TRIBUNAL ORDERS THAT:

1. The underlined portions of the following paragraphs of the following witness statements shall be struck, unless otherwise indicated:

Witness Statement of Blaik Kirby

- a. Page 10, paragraph 21 (only the second sentence);
- b. Page 12, paragraph 26 (only the last sentence);
- c. Page 14, paragraph 34;
- d. Pages 16 – 17, paragraphs 39, 40 (only the second sentence) and 41;
- e. Page 19, paragraph 48;

Witness Statement of Charlie Casey

- f. Page 4, the second sentence in paragraph 8 as well as the entire contents of subparagraph 8(a);

Witness Statement of Sameer Dhamani

- g. Page 4, paragraph 15;

Witness Statement of Stephanie Assad

- h. The following words in paragraph 8: “copies of which are included under separate cover as Exhibit ‘C’”, as well as Exhibit C itself;

2. Each party shall bear its own costs in respect of this Motion.

DATED at Ottawa, this 4th day of November, 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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For the respondents:

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