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CT-2022-002

Sara Pelletier for / pour  
REGISTRAR / REGISTRAIRE

OTTAWA, ONT.

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**THE COMPETITION TRIBUNAL**

CT-2022-002

**IN THE MATTER OF** the *Competition Act*, RSC 1985, c C-34;

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

**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**

- and -

**ATTORNEY GENERAL OF ALBERTA AND  
VIDEOTRON LTD.**

**Intervenors**

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**WITNESS STATEMENT OF DENIS ALBERT**

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1. I, Denis Albert, am a Team Lead (Acting) with the Information Centre within the Corporate Services Branch of the Competition Bureau (the "**Bureau**").
2. I make this witness statement in support of the Commissioner of Competition's (the "**Commissioner**") application for an order under section 92 of the *Competition Act*, RSC 1985, c C-34 (the "**Act**").

3. The Bureau's Information Centre is responsible for enquiries and complaints received by the general public. These requests can be received either by phone, email, fax or by mail. We analyze the request and assign it to the appropriate directorate.
4. Prior to my current position, I was an Information Officer with the Information Centre between 2002 and 2008 and again between 2010 and 2022. My duties as an Information Officer included logging and acknowledging requests received via the Bureau's web forms, fax, mail, and telephone. I also logged submissions made through feedback form located on the Bureau's website and reported any trends in the submissions to my manager. In February 2022, I became a Team Lead (Acting) and I am now also responsible for reporting any trends in requests and submissions to the appropriate directorate of the Bureau.
5. As part of the Bureau's review of a merger, the Bureau seeks a wide variety of perspectives on the competitive effects of the merger; the Bureau considers the views of not just the merging parties and their competitors, but also from the members of the general public who are consumers in the relevant market. To that end the Bureau receives submissions from Canadian consumers and stakeholders through the Information Centre.
6. One channel through which the Information Centre receives submissions is through a web form located on the Bureau's website (the "**Merger Feedback Form**"), located at the following address: <https://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/frm-eng/GH%C3%89T-83KK9Y>. Unlike a request for information issued by a case team, the Merger Feedback Form is not associated with a specific merger. The Merger Feedback Form is located on a webpage that generally explains the Bureau's merger review process. Following this explanation, the Merger Feedback Form invites Canadian consumers and stakeholders to submit their views on competition-related issues regarding a transaction.

7. The Merger Feedback Form asks respondents to provide their last name; first name; e-mail address; company, association or organization; the name of the merger on which the respondent is commenting; and the respondent's comments. The Merger Feedback Form also allows respondents to attach files.
8. Anyone may use to the form at any time to share their views on any merger. Callers to the Information Centre are also directed to submit their views through the Merger Feedback Form.
9. These submissions were received in our receiving e-mail inbox. A few samples were entered in our database called the Bureau Information Management System ("**BIMS**") and assigned to the Mergers and Monopolistic Practices ("**MMP**") directorate. The remainder of the submissions were placed in a folder accessible by both the Information Centre and the MMP directorate.
10. As part of my duties, I perform the daily triage of all requests coming in the Information Centre's inbox. In doing so, I have read many of these submissions.
11. The Proposed Transaction aroused a significant interest by consumers in the impact of the Proposed Transaction and the Bureau's review. Since the announcement of the Proposed Transaction in March 2021, the Information Centre received 7,881 submissions regarding the Proposed Transaction. These submissions were mainly received through the Merger Feedback Form, but submissions were also received through the complaint and information request forms available on the Bureau's website at [https://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/h\\_03167.html](https://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/h_03167.html). These submissions came from the general public, competitors and the industry voicing their opinion on the proposed transaction. This figure is in addition to any responses to requests for information issued by the Bureau's case team.
12. The Commissioner produced the majority of the submissions received by the Information Centre, approximately 7,556 documents, to Rogers Communications

Inc. (“**Rogers**”), Shaw Communications Inc. (“**Shaw**”), and Videotron Ltd. (“Videotron”) in the course of the present application under section 92 of the *Act*.

13. In conducting inquiries under the *Act* into previous mergers, the Bureau also received submissions through various channels with respect to those mergers. However, the Proposed Transaction has generated a significantly greater response than any other merger reviewed by the Bureau since at least 2016. The Bureau has received to-date approximately 4.16 times more submissions regarding the Proposed Transaction than the merger with the second highest number of submissions.

14. The number of total submissions received by the Bureau with respect to mergers within the past six years are set out in the table below. The totals seen in the table come from submissions received through the Merger Feedback Form and other forms located on the Bureau’s website, including the complaint and question forms. We track trends either by doing a search in BIMS or by creating a folder collecting request and submissions related to specific cases. Only the top five mergers by total number of submissions are shown.

<b>Merging Companies</b>	<b>Year</b>	<b>Total Number of Submissions</b>
Acquisition of Shaw by Rogers	2021	7,881
Acquisition of Manitoba Telecom Services by BCE Inc.	2016	1,893
Acquisition of Monsanto Company by Bayer AG	2016	117
Acquisition of Do Process LP by Dye & Durham Limited	2022	71
Acquisition of Canwest Propane by Superior Plus LP	2017	38

Signed, this 22nd day of September, 2022

*Denis Albert*

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Denis Albert