

**THE COMPETITION TRIBUNAL**

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

**AND IN THE MATTER OF** an application by United Grain Growers Limited under section 106 of the *Competition Act*;

**AND IN THE MATTER OF** the acquisition by United Grain Growers Limited of Agricore Cooperative Ltd., a company engaged in the grain handling business.

**BETWEEN:**

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
FILED / PRODUIT CT-2002-001 AUGUST 12, 2005	
Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 0113a

**UNITED GRAIN GROWERS LIMITED**

Applicant

- and -

**THE COMMISSIONER OF COMPETITION**

Respondent

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**NOTICE OF APPLICATION**  
**Re: Section 106 of the *Competition Act***

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**TAKE NOTICE THAT** the Applicant will make an application to the Competition Tribunal (the "Tribunal") for:

- (a) an order pursuant to section 106 of the *Competition Act* rescinding the consent agreement between the Commissioner of Competition (the "Commissioner") and United Grain Growers Limited executed on October 17, 2002 (the "Consent Agreement");

- (b) approval pursuant to paragraph 49 of the Consent Agreement extending the Port Terminal Initial Sale Period (as defined in the Consent Agreement) pending the final determination of the within Application;
- (c) an order compelling the Commissioner to provide the Applicant with copies of all handling agreements in her possession between port terminal operators and Independent Grain Companies (as defined in the Consent Agreement) for the handling of independent grain in the Port of Vancouver that are or were in effect on or after August 1, 2001, for the purposes of the within Application, along with the volumes of grain shipped to the Port of Vancouver pursuant to such agreements on an annual basis since August 1, 2001 and such other relevant information as the Applicant may subsequently request;
- (d) an order awarding costs in favour of the Applicant; and
- (e) such further and other final or interim orders as requested by the Applicant and deemed just by the Tribunal.

**AND TAKE NOTICE THAT** the Applicant will rely on the grounds set out in the Statement of Grounds and Material Facts attached as Schedule "A" hereto and such further and other grounds as counsel may advise and the Tribunal may permit.

**AND TAKE NOTICE** that if you do not file a Response to the within Application with the Registrar of the Tribunal within 30 days of the date of service hereof, the Tribunal may, without further notice to you, make such orders as it deems appropriate.

**AND TAKE NOTICE** that the Applicant proposes that the within Application be heard in the English language, at Toronto, Ontario.

**DATED AT TORONTO**, this 11th day of August, 2005.



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AND TO: **Commissioner of Competition**  
Place du Portage, Phase I  
50 Victoria Street, 21st Floor  
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