

OFFICIAL ENGLISH TRANSLATION

Citation: *Commissioner of Competition v Astral Media Inc.* 2002 Comp Trib 14  
File No: CT-2001-010  
Registry Document No: 34

**IN THE MATTER OF** an application by the Commissioner of Competition for an order pursuant to section 92 of the *Competition Act*, RSC 1985, c C-34;

**AND IN THE MATTER OF** the proposed acquisition by Astral Media Inc. of all of the broadcasting undertakings of Telemedia Radio Inc. located in the Province of Quebec and the Maritime Provinces, and of Telemedia's 50% interest in Radiomedia Inc.

BETWEEN:

**The Commissioner of Competition**  
(applicant)

and

**Astral Media Inc.**  
**Telemedia Radio Inc.**  
**Radiomedia Inc.**  
(respondents)

Date of hearing by conference call: 2002-02-21  
Before: Nadon J. (presiding judicial member)  
Date of order: 2002-02-21  
Order signed by: Mr. Justice Nadon

**ORDER AMENDING THE ORDER DATED JANUARY 18, 2002**

[1] FURTHER TO the application made by the Commissioner of Competition (the “Commissioner”) pursuant to section 92 of the *Competition Act* (the “Act”), RSC 1985, c C-34, for an order directing the Respondents, Astral Media Inc. (“Astral”), Telemedia Radio Inc. (“Telemedia”) and Radiomedia Inc. (“Radiomedia”), not to proceed with the portion of the proposed Transaction involving the acquisition by Astral of Telemedia’s eight French-language radio stations located in the Province of Quebec and Telemedia’s 50% interest in Radiomedia;

[2] AND UPON READING the letter to the Registrar of the Competition Tribunal (“Tribunal”) dated January 10, 2002, which states that notices of application for originating motions by Astral and Telemedia against the Commissioner and others have been filed in the Federal Court of Canada (“Federal Court”), Trial Division, seeking a declaration that the Act does not apply to the purchase by Astral of all of Telemedia’s broadcasting undertakings in the Province of Quebec and the Atlantic Provinces (the “Proposed Transaction”), and accordingly, that the Commissioner has no jurisdiction to act under the Act with respect to the Proposed Transaction, which is subject to the exclusive jurisdiction of the Canadian Radio-television and Telecommunications Commission;

[3] AND WHEREAS the Commissioner and the Respondents agree that the time for filing a response under subsection 5(1) of the *Competition Tribunal Rules* (the “Rules”) should be further extended;

[4] AND WHEREAS the Order of January 18, 2002, extends the time for filing a response to February 27, 2002;

[5] AND WHEREAS subsection 68(3) of the Rules states that time limits may only be extended by order of a judge;

[6] AND WHEREAS the Respondents have undertaken not to complete the Proposed Transaction without giving seven business days’ prior notice to the Commissioner; and if an application for an injunction is subsequently served by the Commissioner, the Respondents undertake not to complete the Proposed Transaction prior to termination of the hearing on that application for an injunction;

[7] AND IT BEING UNDERSTOOD by the Respondents that this request for an extension of time to file a response with the Tribunal is made subject to the Federal Court proceedings in which they are challenging the application of the Act to the Proposed Transaction;

[8] AND IT BEING UNDERSTOOD that the Commissioner’s position with respect to the notices of applications to the Federal Court for originating motions is that the Tribunal has jurisdiction to hear the application filed by the Commissioner under section 92 of the Act;

[9] AND HAVING HEARD from counsel for the parties in a conference call on

February 21, 2002, regarding this request for an extension of time to file a response;

[10] AND UPON BEING SATISFIED that this order is warranted in this case;

THE TRIBUNAL ORDERS THAT:

[11] The time limit set out in subsection 5(1) of the Rules for serving a response on the Commissioner and filing it with the Tribunal with proof of service is extended to April 15, 2002.

DATED at Ottawa, this 21st day of February 2002.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) Marc Nadon

Certified true translation  
Johanna Kratz

## APPEARANCES

For the applicant:

The Commissioner of Competition

Rhéal Forest

Carole Johnson

For the respondents:

Astral Media Inc.

Radiomedia Inc.

Louis P. Bélanger

Telemedia Radio Inc.

Yves Bériault

Madeleine Renaud