

Ottawa, Friday, October 27, 2000

File No.: PR-2000-024

IN THE MATTER OF a complaint filed by AT & T Canada Corp. (AT & T Canada) under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985 (4th Supp.), c.47, and an inquiry by the Canadian International Trade Tribunal under subsection 30.13(1) of the *Canadian International Trade Tribunal Act*.

AND IN THE MATTER OF a request from counsel for Public Works and Government Services Canada, (PWGSC), dated October 4, 2000, that the Canadian International Trade Tribunal (the Tribunal) recognize Mr. Antony C. Capel as an expert and grant him access to the protected record in these proceedings PR-2000-024 for the purposes of assisting counsel for PWGSC.

ORDER OF THE TRIBUNAL

Having considered the request from counsel for PWGSC and the submissions from counsel for AT & T Canada, the Canadian International Trade Tribunal has decided to qualify Mr. Anthony C. Capel as an expert in the areas of systems requirements analysis, engineering, security, networks and communications. The Tribunal orders that the protected record in these proceedings PR-2000-024 be disclosed to Mr. Anthony C. Capel in his capacity as an expert for the purposes of assisting counsel for PWGSC in understanding and commenting, if needed, on the evidence comprised in Mr. Stephen Beaudoin's affidavit dated October 13, 2000. This disclosure is subject to the following conditions:

1. Mr. Capel will execute the attached Undertaking and Acknowledgment. Counsel for PWGSC, Mr. David Attwater, will countersign the said document to acknowledge that Mr. Capel is working under his direction and control.
2. Mr. Capel shall have access to the protected record at the Ottawa offices of the law firm of Lang Michener.
3. Mr. Capel shall, under the conditions of his Undertaking and Acknowledgement,
 - use the information disclosed exclusively for purposes of the subject proceeding;
 - not divulge information disclosed to any person for any purpose;

- not reproduce, in any manner, information disclosed; and
- return to the Secretary of the Tribunal any notes, tables and memoranda created based on that protected document.

Patricia M. Close
Patricia M. Close
Presiding Member

Pierre Gosselin
Pierre Gosselin
Member

Richard Lafontaine
Richard Lafontaine
Member

Susanne Grimes
Susanne Grimes
Acting Secretary

CANADIAN INTERNATIONAL TRADE TRIBUNAL

UNDERTAKING AND ACKNOWLEDGEMENT

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AND IN THE MATTER OF a request from counsel for Public Works and Government Services Canada, (PWGSC), dated October 4, 2000, that the Canadian International Trade Tribunal (the Tribunal) recognize Mr. Antony C. Capel as an expert and grant him access to the protected record in these proceedings PR-2000-024 for the purposes of assisting counsel for PWGSC.

WHEREAS the Tribunal has issued an Order dated October 27, 2000, directing that the person to whom disclosure is made shall not disclose any of the confidential information to any person and shall not use the confidential information for any purpose, other than in and for the purpose of this inquiry.

UNDERTAKING

I, Mr. Anthony C. Capel undertake

- (a) to use the information disclosed under the conditions of this Undertaking exclusively for purposes of the subject proceeding;
- (b) not to divulge information disclosed under the conditions of this Undertaking to any person for any purpose;
- (c) not to reproduce, in any manner, information disclosed under the conditions of this Undertaking;
- (d) to keep confidential the information disclosed under the conditions of this Undertaking;
and
- (e) to return to the Secretary of the Tribunal any notes, tables and memoranda created based on that confidential information at the end of my participation in this proceeding.

ACKNOWLEDGEMENT

I hereby acknowledge that disclosure by me of some or all of the confidential information to which I have been given access could result in economic harm to AT &T Canada.

Dated at _____ this _____ 2000.

Signature: _____

Name: _____

Address: _____

Countersigned by Counsel for Public Works and Government Services Canada

Dated at _____ this _____ 2000.

Signature: _____

Name: _____

Signature: _____

Name: _____

Address: _____

