



Neutral citation [2010] CAT 18

IN THE COMPETITION
APPEAL TRIBUNAL

Case Number: 1146/3/3/09

Victoria House
Bloomsbury Place
London WC1A 2EB

9 July 2010

Before:

MARCUS SMITH QC
(Chairman)

Sitting as a Tribunal in England and Wales

BETWEEN:

BRITISH TELECOMMUNICATIONS PLC

Appellant

- v -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

CABLE & WIRELESS UK
VIRGIN MEDIA LIMITED
GLOBAL CROSSING (UK) TELECOMMUNICATIONS LTD
VERIZON UK LIMITED
COLT TELECOMMUNICATIONS

Interveners

RULING (EXTENSION OF TIME TO APPEAL)

1. On 11 June 2010, the Tribunal gave judgment on two preliminary issues that were before it in these proceedings ([2010] CAT 15). I adopt the abbreviations used therein.
2. By a letter dated 1 July 2010, BT wrote to the Tribunal, stating that it was considering whether to seek permission to appeal the Tribunal's ruling on the second preliminary issue, but that (because of the inter-relationship between the second preliminary issue and the matters to be considered at the substantive hearing in October 2010, "the Main Hearing") it was applying for an extension of time for seeking permission to appeal under rule 19(2)(h) of the Competition Appeal Tribunal Rules 2003 (S.I. No 1372 of 2003). The extension sought by BT was until one month following notification of the Tribunal's judgment in the Main Hearing.
3. By a letter dated 5 July 2010, OFCOM wrote to the Tribunal opposing the application. The stance of the Altnets on BT's application is neutral.
4. There is a degree of interrelationship between the second preliminary issue and some of the matters to be considered at the Main Hearing. The possibility of appealing issues arising out of the Tribunal's ruling on the second preliminary issue alongside the Tribunal's judgment in the Main Hearing should not be closed out at this stage.
5. Accordingly, I direct that there be an extension of time for requesting permission to appeal in respect of the second preliminary issue until one month after the Tribunal's judgment in the Main Hearing is handed down.

Marcus Smith QC

Charles Dhanowa
Registrar

Date: 9 July 2010