

TUESDAY 20TH APRIL 2010

IN THE COURT OF APPEAL

016705

ON APPEAL FROM THE COMPETITION APPEAL TRIBUNAL

10833307/10853307

BEFORE LORD JUSTICE LLOYD
LORD JUSTICE MOORE-BICK
And LORD JUSTICE RICHARDS

B E T W E E N

1)VODAFONE LIMITED
2)TELEFONICA O2 (UK) LIMITED
3)T-MOBILE (UK) LIMITED
4)ORANGE PERSONAL COMMUNICATIONS SERVICES LIMITED

APPELLANTS

- and -

1)BRITISH TELECOMMUNICATIONS PLC
2)OFFICE OF COMMUNICATIONS ("OFCOM")

RESPONDENTS

ON READING the Appellants' Notices sealed on the 9th July 2009 filed on behalf of the Interveners on appeal from the order of The Competition Appeal Tribunal dated 2nd April 2009

AND ON HEARING Tim Ward for Vodafone, Kelyn Bacon for Telefonica, Jon Turner QC and Meredith Pickford for T-Mobile, Marie Demetriou for Orange, David Anderson QC and Sarah Ford for BT, Tom de la Mare for OFCOM

IT IS ORDERED that:

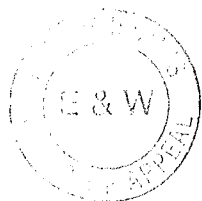
- 1) the Competition Appeal Tribunal's directions to OFCOM, given under paragraph 82 of their decision dated 2 April 2009 at [2009] CAT 11, be set aside insofar as those directions required OFCOM to impose revised price controls for the period prior to 3 April 2009;
- 2) the revised price controls published by OFCOM on 2 April 2009 in accordance with the said directions, expressed to take effect from 3 April 2009, be declared to be ultra vires insofar as those revised price controls apply to the period prior to 3 April 2009;
- 3) British Telecommunications plc shall pay each of the Appellants' costs in



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C1/2009/1212
C1/2009/1214



the Court of Appeal, to be the subject of detailed assessment if not agreed;

- 4) there be no order as to OFCOM's costs;
- 5) permission to appeal to the Supreme Court of the United Kingdom be refused.



By the Court

TUESDAY 20TH APRIL 2010
IN THE COURT OF APPEAL
ON APPEAL FROM THE COMPETITION APPEAL
TRIBUNAL

1)VODAFONE LIMITED
2)TELEFONICA O2 (UK) LIMITED
3)T-MOBILE (UK) LIMITED
4)ORANGE PERSONAL COMMUNICATIONS SERVICES
LIMITED

- and -

1)BRITISH TELECOMMUNICATIONS PLC
2)OFFICE OF COMMUNICATIONS ("OFCOM")

ORDER

Copies to:

Baker & Mackenzie Llp
100 New Bridge Street
London EC4V 6JA

British Telecommunications
Bt Centre
81 Newgate Street
London EC1A 7AJ

Field Fisher Waterhouse Llp
35 Vine Street
London EC3N 2AA

Herbert Smith Llp
Dx 28
London Ref: 2303/30877856

Office Of Communications
Mr Richard Burnley & Ms Polly Weitzman
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Sj Berwin Llp
10 Queen Street Place
London

T-Mobile (Uk) Limited
Hatfield Business Park
Hatfield
Hertfordshire
AL10 9BW

* This order was drawn by Ms A Lehane (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Ms A Lehane, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7947 6879

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