



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1093/3/3/07

B E T W E E N:

T-MOBILE (UK) LIMITED

Appellant

-supported by -

O2 (UK) LIMITED

Intervener

-v-

OFFICE OF COMMUNICATIONS

Respondent

-supported by -

HUTCHISON 3G UK LIMITED

Intervener

ORDER

UPON reading OFCOM's Explanatory Statement and Determinations entitled "Determinations to resolve disputes between Hutchison 3G and each of O2, Orange and T-Mobile concerning donor conveyance charges" published on 17 August 2007 ("the Decision")

AND UPON reading the appellant's Notice of Appeal filed on 17 October 2007

AND UPON considering OFCOM's letter dated 17 January 2008 in which OFCOM indicated that it did not intend to resist T-Mobile's appeal

AND UPON the Tribunal writing to the parties in relation to the directions and relief sought by the Appellant and listing a final hearing on 16 June 2010 in order to dispose of the appeal

AND UPON reading the Appellant's request of 1 June 2010 for permission to withdraw its notice of appeal pursuant to Rule 12 of the Competition Appeal Tribunal Rules 2003, and there being no objection to that request

AND UPON considering the parties' agreement that there should be no order as to costs in respect of these proceedings

IT IS ORDERED THAT:

1. The hearing previously listed for 16 June 2010 be vacated.
2. The Appellant be granted permission to withdraw its appeal pursuant to Rule 12.
3. There be no order for costs.

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 8 June 2010
Drawn: 8 June 2010