



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1151/3/3/10

BETWEEN:

BRITISH TELECOMMUNICATIONS PLC

Appellant

- v -

OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON reading the Notice of Appeal lodged by British Telecommunications plc (“BT”) under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”) against the determination made by the Office of Communications (“Ofcom”) contained in a document dated 5 February 2010 and entitled “Determination to resolve a dispute between BT and each of T-Mobile, Vodafone, O2 and Orange about BT’s termination charges for 080 calls” (“the Determination”);

AND UPON reading the requests for permission to intervene from:

- (1) T-Mobile UK Limited (“T-Mobile”) and Orange Personal Communications Services Limited (“Orange”) dated 26 April 2010;
- (2) Vodafone Limited (“Vodafone”) dated 4 May 2010;
- (3) Telefonica O2 UK Limited (“O2”) dated 4 May 2010;
- (4) Hutchison 3G UK Limited (“Three”) dated 5 May 2010,

collectively “the Interveners”.

AND UPON reading the observations and submissions of the parties and those of the Interveners filed in advance of the case management conference;

AND UPON hearing counsel for the parties and the Interveners at a case management conference on 13 May 2010

IT IS ORDERED THAT:

1. Pursuant to rule 18 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales.
2. The Interveners be granted permission to intervene in the proceedings.

3. The parties and the Interveners formulate and agree between themselves arrangements for the disclosure of information contained in the pleadings and supporting material for which confidentiality is claimed and submit the agreed arrangements to the Tribunal in the form of an agreed draft order as soon as possible, and in any event no later than 4pm on 18 May 2010.
4. Ofcom's deemed application to exclude certain parts of BT's evidence in support of its Notice of Appeal be heard on 22 June 2010 with a time estimate of one and a half days.
5. In relation to that hearing:
 - (1) The parties including, for the avoidance of doubt, the Interveners exchange statements of their respective positions in correspondence by 4pm on 21 May 2010.
 - (2) BT and Ofcom file and serve their skeleton arguments by 4pm on 9 June 2010.
 - (3) The Interveners file and serve their skeleton arguments by 4pm on 15 June 2010.
6. A substantive hearing of BT's appeal be listed for 10 January 2011 with a time estimate of 8 days.
7. Costs be reserved.
8. There be liberty to apply.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 13 May 2010
Drawn: 13 May 2010