



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1154/3/3/10

BETWEEN:

TELEFÓNICA O2 UK LIMITED

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON reading the notice of appeal lodged by Telefónica O2 UK Limited (“O2”) under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”) on 25 May 2010;

AND UPON reading the requests for permission to intervene from:

- (1) T-Mobile UK Limited and Orange Personal Communications Services Limited (together, “T-Mobile”) dated 4 June 2010;
- (2) Hutchison 3G UK Limited (“Three”) dated 4 June 2010; and
- (3) Vodafone Limited (“Vodafone”) dated 7 June 2010;

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

AND UPON hearing counsel for the parties and the proposed interveners at a case management conference on 11 June 2010 at which the parties and the proposed interveners acknowledged that the only issue in the appeal was a single issue of legal interpretation

IT IS ORDERED THAT

1. Pursuant to rule 18 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales.

2. T-Mobile, Three and Vodafone (together, “the Interveners”) be granted permission to intervene in the proceedings.
3. A hearing to determine the single issue of legal interpretation be listed for two days commencing on the first available date on or after 26 July 2010.
4. In relation to that hearing:
 - a. The Office of Communications (“OFCOM”) file and serve a document comprising its defence and main skeleton argument, together with any admissible contextual evidence, by 5pm on 28 June 2010;
 - b. Each of the Interveners file and serve a document comprising its statement of intervention and skeleton argument, together with any admissible contextual evidence, by 5pm on 7 July 2010;
 - c. O2 file and serve its reply skeleton argument (if so advised) by 5pm on 14 July 2010; and
 - d. OFCOM file and serve its skeleton argument in response (if so advised) by 5pm on 21 July 2010.
5. There be liberty to apply.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 11 June 2010
Drawn: 14 June 2010