



IN THE COMPETITION
APPEAL TRIBUNAL

Cases No: 1156-1159/8/3/10

B E T W E E N :

VIRGIN MEDIA, INC.
THE FOOTBALL ASSOCIATION PREMIER LEAGUE
BRITISH SKY BROADCASTING LIMITED
BRITISH TELECOMMUNICATIONS PLC

Appellants/Proposed Interveners

- v -

OFFICE OF COMMUNICATIONS

Respondent

- and -

RFL (GOVERNING BODY) LIMITED
TOP UP TV EUROPE LIMITED
THE FOOTBALL ASSOCIATION LIMITED
FREESAT (UK) LIMITED
RUGBY FOOTBALL UNION
THE FOOTBALL LEAGUE LIMITED
PGA EUROPEAN TOUR
ENGLAND AND WALES CRICKET BOARD
DAVID IAN HENRY (REAL DIGITAL)

Proposed Interveners

ORDER

UPON reading the notices of appeal lodged by the appellants (“the Appellants” and, individually, “the Appellant”) in each of the proceedings listed above against the decision of the Office of Communications (“OFCOM”) dated 31 March 2010 contained in a document entitled “Pay TV Statement” (“the Decision”)

AND UPON reading the requests for permission to intervene pursuant to Rule 16 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”)

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

AND UPON hearing the parties and proposed parties (or their legal representatives) at the case management conference on 25 June 2010

IT IS ORDERED THAT:

1. Pursuant to Rule 18 of the Tribunal Rules each of the appeals be treated as proceedings in England and Wales.
2. Each of the Appellants be granted permission to intervene in each of the appeals, save their own.
3. As regards other requests for permission to intervene:
 - a. The following be granted permission to intervene in each of the appeals:
 - i. Top Up TV Europe Limited;
 - ii. RFL (Governing Body) Limited;
 - iii. The Football Association Limited;
 - iv. Rugby Football Union;
 - v. PGA European Tour; and
 - vi. The Football League Limited.
 - b. Freesat (UK) Limited be granted permission to intervene in Cases 1157/8/3/10 and 1158/8/3/10.
 - c. England and Wales Cricket Board be granted permission to intervene in Cases 1156/8/3/10, 1157/8/3/10 and 1159/8/3/10.
 - d. David Ian Henry be refused permission to intervene in the appeals.
4. At this stage, the permissions to intervene referred to in paragraph 3 above are limited to written submissions and/or written evidence only.
5. All the interveners are to liaise as necessary between themselves, and with the parties whose position they support, so as to ensure there is no duplication in their submissions or evidence.
6. The appeals be heard together.
7. In relation to each of the appeals:
 - a. In accordance with paragraph 3 of the Order of the President dated 29 June 2010 establishing a confidentiality ring in these proceedings, OFCOM shall serve on the Relevant Advisers (as defined in that Order) unredacted copies of the Decision and any models on which OFCOM relied in drafting the Decision, and the Appellant shall serve on the Relevant Advisers unredacted versions of its pleadings and evidence, in each case by 5pm on 30 June 2010 (unredacted versions of supporting documents to be provided by 5pm on 2 July 2010).

- b. The Appellant shall file and serve a non-confidential version of its notice of appeal, including supporting documents, by 5pm on 2 July 2010.
 - c. The Appellant, if so advised, shall file and serve an amended notice of appeal and/or supporting evidence (or alternatively confirm to the Tribunal that it does not intend to do so) by 5pm on 7 September 2010.
 - d. Statements of intervention by an intervener in support of the Appellant shall be filed and served by 5pm on 28 September 2010.
 - e. OFCOM shall file and serve its defence by 5pm on 30 November 2010.
 - f. Statements of intervention by an intervener in support of OFCOM shall be filed and served by 5pm on 21 December 2010.
8. The Tribunal may list a further case management conference (date to be advised) following service of the defence to consider directions leading up to the hearing in these appeals.
9. There be liberty to apply.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 25 June 2010
Drawn: 29 June 2010