



IN THE COMPETITION
APPEAL TRIBUNAL

Cases No: 1156-1159/8/3/10
1170/8/3/10
1179/8/3/11

B E T W E E N :

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

Appellants / Interveners

- v -

OFFICE OF COMMUNICATIONS

Respondent

- and -

TOP UP TV EUROPE LIMITED

Interveners in Cases No. 1156-1159/8/3/10
and 1170/8/3/10

RFL (GOVERNING BODY) LIMITED
THE FOOTBALL ASSOCIATION LIMITED
FREESAT (UK) LIMITED
RUGBY FOOTBALL UNION
THE FOOTBALL LEAGUE LIMITED
PGA EUROPEAN TOUR
ENGLAND AND WALES CRICKET BOARD

Interveners in Cases No. 1156-1159/8/3/10

ORDER OF THE PRESIDENT

UPON reading the submissions of the parties filed in advance of a pre-hearing review on 23 March 2011

AND UPON hearing some of the parties at the pre-hearing review on that date

IT IS ORDERED THAT:

1. Cases No. 1170/8/3/10 (“the STB appeal”) and 1179/8/3/11 (“the CAM appeal”) be heard together with Cases No. 1156-1159/8/3/10 (“the Pay TV appeals”) to the extent that:
 - a. The evidence and documents adduced in the Pay TV appeals shall also serve as evidence and documents for the purposes of the STB and CAM appeals
 - b. The evidence and documents adduced in the STB and CAM appeals shall also serve as evidence and documents for the purposes of the Pay TV appeals
 - c. Oral submissions in the STB and CAM appeals be listed for a hearing on a date to be arranged not before 10 October 2011 with a time estimate of 1-2 days, with provision to be made hereafter for the filing and service of skeleton arguments and any other case management directions
2. The deadline for filing and service of Ofcom’s Defence in the CAM appeal be extended until 5pm on 7 April 2011
3. Permission be granted to Top Up TV Europe Limited, Virgin Media, Inc, British Telecommunications PLC and the Football Association Premier League Limited to intervene in the CAM appeal, with provision to be made hereafter for the filing and service of Statements of Intervention
4. British Sky Broadcasting Limited be required to indicate in writing as soon as possible to the parties and the Tribunal which matters set out in its amended Notice of Appeal are no longer being pursued
5. In principle, the permission to intervene in the Pay TV appeals granted to RFL (Governing Body) Limited, The Football Association Limited, Rugby Football Union, and PGA European Tour (collectively “the sports body interveners”) and to Top Up TV Europe Limited extend to the examination and re-examination by those parties of their own witnesses, the cross-examination by Top Up TV Europe Limited of British Sky Broadcasting Limited’s witnesses, the cross-examination by the sports body interveners of OFCOM’s witnesses, and the making of oral and written closing submissions, but the extent to which that permission is exercised at the hearing is subject to the discretion of the Tribunal
6. The permission to intervene in the Pay TV appeals granted to Freesat (UK) Limited extend to the filing of written closing submissions

7. Virgin Media, Inc. be granted permission to file the sixth witness statement of Katharine Burns in the Pay TV appeals
8. OFCOM be at liberty to adduce further witness statements of Dr. Teh and/or Mr. Caines in the Pay TV appeals provided such witness statements are served on the other parties and filed with the Tribunal no later than 5pm on 30 March 2011
9. A case management conference be provisionally listed for 4pm on 27 May 2011 in order to consider the future conduct of the main hearing
10. There be liberty to apply

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 25 March 2011
Drawn: 25 March 2011