



IN THE COMPETITION
APPEAL TRIBUNAL

Case No. 1166/5/7/10

B E T W E E N :

ALBION WATER LIMITED

Claimant

-v-

DŴR CYMRU CYFYNGEDIG

Defendant

ORDER

UPON reading the application dated 28 October 2011 by the Defendant (“Dŵr Cymru”) arising out of the Tribunal’s Order of 29 June 2011 on, amongst other matters, disclosure and the submissions of the Claimant (“Albion”) in response

AND UPON the Chairman handing down her Ruling on that application on 16 December 2011

AND UPON the Dŵr Cymru also applying to amend their Defence in the terms of the draft attached to a letter from its solicitors dated 28 November 2011

AND UPON Albion consenting to that application to amend and Dŵr Cymru consenting to the grant to Albion of permission to serve an amended Reply if so advised

AND UPON considering the parties’ observations on the form of a draft order

IT IS ORDERED THAT:

1. Terms used in this Order have the meaning given to them in the glossary attached to the ruling handed down by the Tribunal on 16 December 2011.
2. Dŵr Cymru file and serve, by 13 January 2012, a supplementary list of documents created before 7 November 2008 in which there was discussion about the formulation of the First Access Price offered to Albion or about the

possible revision of that price. Disclosure of documents protected by legal professional privilege may be disclosed by category rather than listed.

3. Dŵr Cymru is not required to disclose documents (other than the documents already disclosed in the disclosure statement served on 28 October 2011) relating to:
 - (a) “stalling tactics” engaged in by Dŵr Cymru during the investigation by the Water Services Regulation Authority or during the proceedings before the Tribunal in Case 1046, as alleged in paragraph 70 of the Amended Particulars of Claim (as particularised in paragraph 1(a) to (k) of the letter from Shepherd and Wedderburn LLP to Hogan Lovells International LLP dated 8 July 2011); and
 - (b) the matters alleged in paragraph 78 of the Amended Particulars of Claim and particularised in paragraphs 7 to 10 of that letter.
4. Paragraph 2(d) to (f) of the Order of 29 June 2011 be amended as follows:
 - “d. The parties give notice of witness numbers, including notice of expert evidence, by 10 February 2012;
 - e. The parties exchange factual witness statement by 24 February 2012; and
 - f. The parties exchange expert witness statements by 9 March 2012.”
5. Dŵr Cymru be granted permission to amend its Defence in the form attached to the letter from Hogan Lovells International LLP dated 28 November 2011 and serve a copy of that amended Defence forthwith.
6. Albion be granted permission to serve an Amended Reply (if so advised) by 6 January 2012.
7. Costs be reserved.
8. There be liberty to apply.