



IN THE COMPETITION
APPEAL TRIBUNAL

Case Numbers: 1186/3/3/11
1187/3/3/11

BETWEEN

TALKTALK TELECOM GROUP PLC

Appellant

- and -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

BRITISH SKY BROADCASTING LIMITED
BRITISH TELECOMMUNICATIONS PLC

Interveners

BRITISH TELECOMMUNICATIONS PLC

Appellant

- and -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

BRITISH SKY BROADCASTING LIMITED
TALKTALK TELECOM GROUP PLC

Interveners

ORDER

UPON reading the correspondence from the legal representatives of the Appellants, Respondent and Interveners (“the Parties”) in connection with the establishment of a confidentiality ring in relation to Cases No: 1186/3/3/11 and 1187/3/3/11

AND UPON hearing the legal representatives of the Parties at a case management conference on 17 October 2011

AND UPON the Parties having agreed to the terms of this Order

IT IS ORDERED THAT

1. This Order becomes effective in respect of each of the persons named in Part A of the Schedule to this Order only upon receipt by the Tribunal of a signed undertaking in the terms of Part B of the Schedule to this Order.
2. For the purposes of this Order:
 - a. **“Confidential Information”** is defined as information justifying confidential treatment by the Tribunal in accordance with rule 53 of the Competition Appeal Tribunal Rules 2003 which is contained in (i) the full un-redacted versions of the parties’ pleadings and other documents served on the Tribunal which have not, prior to the making of this Order, been disclosed to all other parties in the non-confidential versions of pleadings and other documents thus far served, and/or (ii) any documents served or disclosed hereafter.
 - b. **“Relevant Advisers”** are those persons:
 - (i) listed in part A of the Schedule to this Order who have given a signed undertaking to the Tribunal in the terms of Part B of the Schedule to this Order; or
 - (ii) authorised by the Tribunal upon further application.
3. Each of the parties shall hereafter disclose to the other parties un-redacted versions of their pleadings and other documents served in these proceedings on the condition that, save in respect of Ofcom employees, such un-redacted versions and any Confidential Information contained within these shall be disclosed only to the Relevant Advisers listed in Part A of the Schedule to this Order.
4. All such un-redacted versions of pleadings and other documents served in these proceedings must be marked so as to indicate the parties in relation to which confidential treatment is claimed in the manner referred to in paragraph 13.22 of the Tribunal’s Guide to Proceedings (October 2005).
5. In the case of pleadings and other documents served thus far in the proceedings, the parties shall comply with paragraph 3 above by 5pm on 21 October 2011.
6. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 2(b) above, they shall apply to the Tribunal indicating whether each of the other parties consents or does not consent to the addition of that person.

7. Costs be reserved.
8. There be liberty to apply.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 18 October 2011
Drawn: 18 October 2011

SCHEDULE

PART A

This part contains the names, for each party, of Relevant Advisers:

TalkTalk Telecom Group plc

External solicitors

Paul Brisby
Rosaleen Hubbard
Bailey Ingram
Kate Ollerenshaw (all of Towerhouse Consulting LLP)

External counsel

Laura John
Meredith Pickford (both of Monckton Chambers)

External economist

Edward Rushton (of Towerhouse Consulting LLP)

Office of Communications

External counsel

Josh Holmes (of Monckton Chambers)
Hanif Mussa
James Seagan (both of Blackstone Chambers)

External economist

Julian Franks (London Business School)

British Sky Broadcasting Ltd

External solicitors

Salim Mansoor
John McInnes
Andrew North
Stephen Wisking (all of Herbert Smith LLP)

British Telecommunications plc

Nancy Johnson
Sophie Bouckaert (both of BT Legal)

External counsel

Tim Ward QC

Fiona Banks
Robert Palmer
Ewan West (all of Monckton Chambers)

External economists

Dr Luis Correia Da Silva
Peter Bucks
Dr Min Shi
Peter Hope
Sahar Shamsi (all of Oxera)

Matt Corkery
Peter Arnold
Jay Hoon (all of E&Y)

Stewart Hastie
David Thomas
Simon De Baat
Hugh Kelly
James Riley
Tim Aldrich
Thomas Cooper
(all of KPMG)

Professor George Yarrow

PART B

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser mentioned in Part A of this Order undertakes that they will comply with the following requirements in the following terms:

I, [], of [firm, company or establishment] being [legal or other qualification] and regulated so far as my professional conduct is concerned by [regulatory body if any] undertake to the Tribunal as follows:

1. I will not disclose the Confidential Information (as defined in the Tribunal's order of []) to any person outside those listed in Part A without the consent of the person originally disclosing the information or the permission of the Tribunal.
2. I will use the Confidential Information only for the purpose of these proceedings (and for no other proceedings or use).
3. The documents containing the Confidential Information will remain in my custody or the custody of the other Relevant Advisers at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
4. The production of further copies by me of the documents containing the Confidential Information shall be limited to those required for the use of the Relevant Advisers for the purposes of these proceedings.
5. Any copies and the documents in paper form containing the Confidential Information will be returned to the party originally disclosing the documents at the conclusion of the present proceedings; any copies and the documents containing the Confidential Information in electronic form will either be returned where possible or where that is not possible will be rendered inaccessible from any computer system, disk or device so that it is not readily available to any person.
6. Save that none of the requirements listed at paragraphs 1 to 4 above shall prevent Relevant Advisers from disclosing to the party advised by them information which such party has already seen.

Signed:

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Name

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Date