



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case Number: 1189/3/3/11

B E T W E E N:

TELEFÓNICA UK LIMITED

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

**EVERYTHING EVERYWHERE LIMITED
HUTCHISON 3G UK LIMITED
VODAFONE LIMITED**

Proposed Interveners

ORDER

UPON reading a decision, published on 14 September 2011, taken by the Office of Communications (“OFCOM”) in relation to a dispute between Telefónica UK Limited (“Telefónica”) and each of Vodafone Limited (“Vodafone”) and Hutchison 3G UK Limited (“H3G”);

AND UPON reading the notice of appeal lodged by Telefónica under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. 2003/1372) (“the Tribunal Rules”) on 14 November 2011;

AND UPON reading the requests by H3G, Everything Everywhere Ltd (“EE”), and Vodafone for permission to intervene in the proceedings pursuant to rule 16 of the Tribunal Rules, and the parties’ observations on those requests;

AND UPON reading the correspondence from the legal representatives of the parties and proposed interveners in relation to the future conduct of the appeal;

IT IS ORDERED THAT:

1. Pursuant to rule 18 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales.
2. H3G, EE, and Vodafone (together, “the interveners”) be granted permission to intervene in the proceedings.
3. Telefónica serve a non-confidential version of the notice of appeal on each of the interveners forthwith and serve a non-confidential copy of the supporting documents annexed to its notice of appeal on each of the interveners as soon as possible, and in any event no later than 5pm on 19 December 2011.
4. 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.
5. The case management conference fixed for 16 December 2011 be vacated;
6. In relation to this appeal:
 - a. The time for filing and serving OFCOM’s defence, including supporting documents, be extended to 5pm on 13 January 2012;
 - b. The interveners file and serve their statements of intervention by 5pm on 13 February 2012
 - c. Telefónica file and serve its skeleton argument for the hearing by 5pm on 5 March 2012;
 - d. OFCOM file and serve its skeleton argument for the hearing by 5pm on 26 March 2012;
 - e. If so advised, the interveners file and serve their skeleton arguments by 5pm on 5 April 2012;
 - f. The parties send to the Registry electronic versions (in Word format) of their pleadings and skeleton arguments at the same time as filing hard copy documents. Each party is also to provide the other with those electronic copies;
 - g. The parties prepare an agreed bundle of documents to serve as the core bundle for the hearing (but avoiding duplication so far as possible with documents already lodged with the Tribunal) and an agreed joint bundle of authorities to be referred to at the hearing with key sections flagged for reference;
 - h. The parties file six copies of each of the said bundles by 5pm on 16 April 2012; and

- i. An oral hearing be listed for 25 April 2012 with a time estimate of one and a half days.

7. Liberty to apply.

The Honourable Mr Justice Henderson
Chairman of the Competition Appeal Tribunal

Made: 13 December 2011
Drawn: 13 December 2011