



IN THE COMPETITION

APPEAL TRIBUNAL

B E T W E E N :

Case No.: 1205/3/3/13

BRITISH TELECOMMUNICATIONS PLC

Appellant
(Intervener in Case Nos
1206- and 1207/3/3/13)

- and -

OFFICE OF COMMUNICATIONS

Respondent

Case No.: 1206/3/3/13

(1) CABLE & WIRELESS WORLDWIDE PLC

(2) VIRGIN MEDIA LIMITED

(3) VERIZON UK LIMITED

Appellants
(Interveners in Case No.
1205/3/3/13)

- and -

OFFICE OF COMMUNICATIONS

Respondent

Case No.: 1207/3/3/13

(1) BRITISH SKY BROADCASTING LIMITED

(2) TALKTALK TELECOMMUNICATIONS GROUP PLC

Appellants
(Interveners in Case No.
1205/3/3/13)

- and -

OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON considering the Tribunal's Order of 22 March 2013 establishing a confidentiality ring in Cases 1205-1207/3/3/13 as subsequently amended (the "Confidentiality Ring Order")

AND UPON the parties having made arrangements with Beverley F Nunnery & Co for the provision of transcription services during the main hearing in these proceedings

AND UPON the parties requesting that the relevant persons from Beverley F Nunnery & Co listed in Part A of the Schedule to this Order provide a written undertaking to the Tribunal and the parties in the terms of Part B of the Schedule to this Order and there being no objections to that request

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. Confidential Information (as defined in the Confidentiality Ring Order) and any other information which is defined as information justifying confidential treatment in accordance with Rule 53 of the Competition Appeal Tribunal Rules 2003 which is disclosed during the oral hearing in cases 1205-1207/3/3/13 or which is otherwise indicated to the Tribunal as confidential during the oral hearing in those cases may be disclosed to the individuals listed in Part A of the Schedule to this Order, subject to the terms of the undertaking set out at Part B of the Schedule to this Order.
3. There be liberty to apply.

The Honourable Mr Justice Roth
Chairman of the Competition Appeal Tribunal

Made: 9 October 2013
Drawn: 9 October 2013

SCHEDULE

PART A

Susan Solomon

Jane Doyle

Melodie Baines

Hilary Graham

Yosef Mahmood

Paul Garnett

Beverley Nunnery

Anne Perkins

(all of Beverley F Nunnery & Co)

PART B

I [] of Beverley F Nunnery & Co undertake to the Competition Appeal Tribunal (“the Tribunal”), to the Office of Communications (“Ofcom”) and to each of the Appellants and Interveners in Cases 1205-1207/3/3/13 as follows:

1. I have read a copy of the Tribunal’s Order of 22 March 2013 (“the Tribunal’s Order”) and understand the implications of that order and the giving of this undertaking.
2. I will not disclose:
 - a. The Confidential Information (as defined in the Tribunal’s Order); or
 - b. Any other information which is defined as information justifying confidential treatment in accordance with Rule 53 of the Competition Appeal Tribunal Rules 2003 which is disclosed during the oral hearing in Cases 1205-1207/3/3/13, or which is otherwise indicated to the Tribunal as confidential during the oral hearing in those cases;
(together, the “Relevant Confidential Information”)to any person who is not an Ofcom employee or Relevant Adviser (as defined in the Tribunal’s Order) or an individual listed in Part A of the Schedule to the Order dated [] (“Transcript Reporter”) without the express consent of the person originally disclosing the information or the permission of the Tribunal.
3. I will use the Relevant Confidential Information only for the purpose of preparing and correcting a transcript in these proceedings and will not use the Relevant Confidential Information for any other purpose whatsoever without the express consent of the person originally disclosing the information or the permission of the Tribunal.
4. All pleadings and documents containing the Relevant Confidential Information will remain in my custody or the custody of a Relevant Adviser or another Transcript Reporter or Ofcom at all times and be held in a manner appropriate to the circumstance so as to prevent unauthorised access or disclosure.
5. The production of documents (including transcripts) containing the Relevant Confidential Information and/or any further copies by me of documents containing the Relevant Confidential Information shall be limited to those required for the use of the Transcript Reporters, the Tribunal, Ofcom and the Relevant Advisers for the purposes of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.
6. Any and all copies of the pleadings and documents in paper form containing the Relevant Confidential Information will be returned to the party originally disclosing the pleadings or documents at the conclusion of the present proceedings unless they contain Relevant Confidential Information for more than one party in which case they shall be destroyed; any copies of the pleadings and documents

containing the Relevant Confidential Information in electronic form will where possible be returned or, where that is not possible, will be rendered inaccessible from any computer systems, disk or device so that the Relevant Confidential Information is not readily available to any person.

Signed:

Name:

Date: