



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 parties' pleadings in the above appeals filed pursuant to the Case Management Order made 18 March 2013

AND HAVING REGARD TO the hearing listed to commence on 28 October 2013 with a time estimate of 15 days

AND UPON reading the submissions of the parties filed in advance of the second case management conference

AND UPON hearing the parties' legal representatives at a second case management conference on 30 July 2013

IT IS ORDERED THAT:

Hearing Timetable

1. The 15 days allocated for the hearing be used as follows:
 - a. 28 October 2013 be a reading day for the Tribunal;
 - b. BT have half a day to open its appeal on 29 October 2013;
 - c. the Appellants in Case Nos 1206- and 1207/3/3/13 (together, "the Disputing CPs") have half a day (to be shared between them) to open their appeals on 29 October 2013;
 - d. Ofcom have two hours for its opening submissions on 30 October 2013;
 - e. the witnesses of fact be heard on the remainder of 30 October, and on 31 October and 1 November 2013;
 - f. the expert witnesses be heard on 4-8, 14 and 15 November 2013;
 - g. any written closing submissions that a party wishes to prepare be filed and served by not later than 4pm on 19 November 2013;
 - h. 20 November 2013 be a reading day for the Tribunal; and
 - i. 21 and 22 November 2013 be reserved for closing submissions.
2. Closing submissions be made in the following order, with the following time allocations:
 - i. Ofcom – three hours;
 - ii. BT – three hours; and
 - iii. the Disputing CPs – three hours (to be shared between them).

3. By not later than 4 pm on 16 September 2013, the parties:
 - a. file an agreed detailed timetable in relation to the order in which witnesses of fact and expert witnesses are to give evidence, save that Mr Thomas Mark Robinson be heard last; or
 - b. apply for a ruling from the Tribunal on the order in which witnesses of fact and expert witnesses are to give evidence, in the event that the same cannot be agreed.

Expert Evidence

4. The parties' relevant expert witnesses meet with a view to producing joint statements (i) in relation to the economic matters and (ii) in relation to the financial matters at issue in these Appeals.
5. The joint statements referred to in paragraph 4 above be filed by not later than 4pm on 13 September 2013.

Hearing bundles and pre-reading

6. Core hearing bundles be produced, as follows:
 - a. Core Bundle A – pleadings, excluding skeleton arguments;
 - b. Core Bundle B – the Determinations;
 - c. Core Bundle C – statements of witnesses of fact;
 - d. Core Bundle D – the joint statements referred to in paragraph 4 above, together with the reports of the expert witnesses and the statement of Mr Geoffrey Richard Platt Myers; and
 - e. Core Bundle E – key documents in the appeals, including key authorities and the relevant directives comprising the Common Regulatory Framework.
7. Seven copies of the core bundles with confidential information highlighted and one non-confidential copy of those core bundles that otherwise contain confidential information be filed by BT by not later than 4pm on 6 September 2013.
8. A revised and consolidated index to the bundles filed to date with the Tribunal be prepared and filed by not later than 4pm on 13 September 2013.
9. An agreed authorities bundle be produced and filed by BT by not later than 4pm on 18 October 2013.
10. The costs of preparing the core bundle and authorities bundle be costs in the case.

11. A pre-reading list be filed by 4pm on 11 October 2013

Skeleton Arguments

12. The Appellants file and serve their skeleton arguments, each limited to 50 pages in length, by 4pm on 23 September 2013.

13. Ofcom file and serve its skeleton argument, limited to 70 pages in length, by 4pm on 11 October 2013.

14. The Appellants file and serve their intervention skeleton arguments, each limited to 20 pages in length, by 4pm on 18 October 2013.

15. All skeleton arguments are to be filed in both hardcopy and softcopy.

Miscellaneous

16. There be liberty to apply.

The Honourable Mr Justice Roth
Chairman of the Competition Appeal Tribunal

Made: 30 July 2013
Drawn: 31 July 2013