



IN THE COMPETITION
APPEAL TRIBUNAL

Case Number: 1210/3/3/13

BETWEEN:

(1) VERIZON UK LIMITED
(2) VODAFONE LIMITED

Appellants

- v -

OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON reading the notice of appeal brought by Verizon UK Limited (“Verizon”) and Vodafone Limited (“Vodafone”) relating to the decision made by the Respondent (“OFCOM”) dated 28 March 2013 and entitled “Business Connectivity Market Review – Review of retail leased lines, wholesale symmetric broadband origination and wholesale trunk segments” (“the Appeal”)

AND UPON reading the requests for permission to intervene from (i) British Sky Broadcasting Limited (“Sky”) and TalkTalk Telecom Group plc (“TalkTalk”), and (ii) British Telecommunications plc (“BT”)

AND UPON hearing counsel for the parties and the Competition Commission at a case management conference on 20 June 2013

AND UPON it appearing that all the matters raised in the Appeal are specified price control matters within the meaning of section 193 of the Communications Act 2003

IT IS ORDERED THAT:

1. The proceedings be treated as proceedings in England and Wales.
2. The request for permission to intervene from BT be granted and the request for permission to intervene from Sky and TalkTalk be refused.

3. By 5pm on 19 July 2013, Verizon and Vodafone provide to the Tribunal Registry an agreed draft of the questions to be referred to the Competition Commission for determination or, in the absence of such agreement, inform the Tribunal of the outstanding matters for the Tribunal to resolve.
4. In relation to the service of further pleadings:
 - a. By 5pm on 12 July 2013, OFCOM file and serve its defence and any supporting evidence;
 - b. By 5pm on 2 August 2013, BT file and serve its statement of intervention in support of Ofcom and any supporting evidence.
5. Verizon and Vodafone be permitted to rely upon the expert evidence of Mr Adam Mantzos and Dr Andrew Lilico served and filed together with their Notice of Appeal.
6. Each other party has permission to adduce the evidence of a maximum of two experts whose evidence shall not be duplicative.
7. There be liberty to apply.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 24 June 2013
Drawn: 24 June 2013