



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1211/3/3/13

B E T W E E N:

**BRITISH TELECOMMUNICATIONS PLC**

Appellant

- and-

**GAMMA TELECOM HOLDINGS LIMITED**  
**TALKTALK TELECOM GROUP PLC**

Interveners

- v -

**OFFICE OF COMMUNICATIONS**

Respondent

-and-

**HUTCHISON 3G UK LIMITED**  
**TELEFÓNICA UK LIMITED**

Interveners

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**ORDER OF THE CHAIRMAN**

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**UPON** Hutchison 3G UK Limited (“Three”) and Telefónica UK Limited (“Telefónica”) each filing Statements of Intervention and supporting evidence on 22 January 2015 and applying to adduce new evidence under Rule 22 of The Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (the “Tribunal Rules”) and to introduce new grounds justifying Ofcom’s decision that is on appeal in these proceedings

**AND UPON** hearing Counsel for the Appellant, Respondent and Interveners on 26 and 27 February 2015

**AND UPON** the Tribunal giving its ruling on the admissibility of new evidence and grounds on 17 March 2015 ([2015] CAT 6) (the “Admissibility Ruling”)

**IT IS ORDERED THAT:**

1. The period stated in Rule 58(1) of the Tribunal Rules for requesting the Tribunal's permission to appeal the Admissibility Ruling be abridged to two weeks from 18 March 2015
2. In these proceedings:
  - a. Three be permitted to advance ground 4 at paragraphs 99-112 of its Statement of Intervention; and
  - b. Telefónica be permitted to advance the ground at paragraphs 41-43 of its Statement of Intervention

("the permitted grounds")

3. Save as provided in paragraph 2 above, Three's and Telefónica's applications to advance grounds set out in their respective Statements of intervention are refused
4. Three and Telefónica be permitted to rely on the witness statements of Kushal Sareen and Diane Gregson dated 22 January 2015 to the extent that these witness statements are in support of the permitted grounds ("the permitted evidence")
5. Save as provided in paragraph 4, Three's and Telefónica's applications to rely on witness statements and/or expert reports submitted in support of their Statements of Intervention are refused
6. By no later than 5pm on 10 April 2015:
  - a. The Appellant file and serve: (i) any evidence of fact in response to the permitted grounds and the permitted evidence; and (ii) a reply to the Statements of Intervention in relation to the permitted grounds and the permitted evidence; and
  - b. Gamma Telecom Holdings Limited ("Gamma") and TalkTalk Telecom Group PLC ("TalkTalk") (if so advised) file and serve: (i) any evidence of fact in response to the permitted grounds and the permitted evidence; and (ii) a reply to the Statements of Intervention in relation to the permitted grounds and the permitted evidence
7. By no later than 5pm on 24 April 2015 Three and Telefónica (if so advised) file and serve reply evidence
8. A hearing on the permitted grounds be listed for 6 May 2015 with a time estimate of up to 3 days ("the Hearing")

9. Bundles for the Hearing be provided to the Tribunal by 5pm on 27 April 2015
10. The parties, other than the Respondent, file and serve skeleton arguments by 5pm on 28 April 2015
11. The Respondent file and serve a skeleton argument (if so advised) by 5pm on 30 April 2015
12. There be liberty to apply

**Marcus Smith Q.C.**  
Chairman of the Competition Appeal Tribunal

Made: 20 March 2015  
Drawn: 20 March 2015