



## COMPETITION APPEAL TRIBUNAL

### SUMMARY OF APPEAL UNDER SECTION 192 OF THE COMMUNICATIONS ACT 2003

**CASE No: 1018/3/3/03**

Pursuant to Rule 15 of the Competition Appeal Tribunal Rules 2003 (“the Rules”), the Registrar of the Competition Appeal Tribunal gives notice of the receipt of a notice of appeal, on 21 August 2003, under section 192 of the Communications Act 2003 (“the Act”) by British Telecommunications PLC (“BT”) of BT Centre, 81 Newgate Street, London EC1A 7AJ in respect of a Direction under Regulation 6(6) of the Telecommunications (Interconnection) Regulations 1997, SI 1997 No. 2931 (“the Regulations”), relating to a dispute between BT and Vodafone Limited concerning the provision of partial private circuits (“the Direction”) made on 23 June 2003 by the Director General of Telecommunications (“the Director”) and continued by a notice (“the Continuation Notice”) issued by the Director on 21 July 2003 to take effect under paragraph 22 of Schedule 18 to the Act on 25 July 2003.

BT seeks the following relief:

1. that the effect of the Direction and Continuation Notice be suspended pending the outcome of the appeal;
2. an order from the Tribunal directing the Director to withdraw the Direction and Continuation Notice.

In summary the principal ground on which BT relies is that the dispute between BT and Vodafone as to the provision of radio base station backhaul circuits is not a “dispute concerning interconnection between organisations” within regulation 6(6) of the Regulations and that consequently the Director had no power to issue the Direction or the Continuation Notice.

Any person who considers that he has sufficient interest in the outcome of the proceedings may make a request for permission to intervene in the proceedings, in accordance with Rule 16 of the Rules.

A request for permission to intervene should be sent to the Registrar, The Competition Appeal Tribunal, New Court, 48 Carey Street, London WC2A 3BZ, so that it is received within **three weeks** of the publication of this notice.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at [www.catribunal.org.uk](http://www.catribunal.org.uk). Alternatively the Tribunal Registry can be contacted by post at the above address or by telephone (020 7271 0395) or fax (020 7271 0281). Please quote the case number mentioned above in all communications.

*Charles Dhanowa*

Registrar

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