



IN THE COMPETITION
APPEAL TRIBUNAL

Case No. 1024/2/3/04

BETWEEN:

FLOE TELECOM LIMITED
(in administration)

Appellant

supported by

WORLDWIDE CONNECT UK LIMITED

Intervener

-v-

OFFICE OF COMMUNICATIONS

Respondent

supported by

VODAFONE LIMITED

and

T-MOBILE (UK) LIMITED

Interveners

ORDER

UPON reading the respondent's decision dated 28 June 2005

AND UPON reading the appellant's further statement of case lodged with the Tribunal on 19 August 2005

AND UPON reading the respondent's defence and the interveners' statements of intervention

AND UPON considering the parties' written submissions in advance of the case management conference on 1 December 2005

AND UPON hearing the legal representatives of the parties at a case management conference held on 1 December 2005

IT IS ORDERED THAT:

1. The parties cooperate to prepare a chronological bundle of documents and correspondence for use at the main hearing and to prepare further bundles of authorities and statements of case.
2. The parties cooperate to agree, by 5pm on 5 December 2005, the appointment of one of:
 - a. Mr John Burns; or
 - b. Dr Walter Tuttlebeeas single joint expert to assist the Tribunal with technical expertise in accordance with the parties' joint instructions.
3. The parties cooperate to agree joint instructions to the expert to be appointed pursuant to paragraph 2 above.
4. The respondent instruct the expert referred to in paragraph 2 above on behalf of all parties, on terms that all parties are liable for the expert's professional fees in equal shares, subject to any application to the Tribunal by the administrator of the appellant.
5. All parties be given liberty, if so advised, to cross-examine any witness of fact who has provided a witness statement in the proceedings subject to all parties cooperating before the hearing with a view to limiting the issues to which cross-examination will be directed.
6. the matter be listed for a main hearing commencing on 30 January 2006, with a time estimate of 5 days.
7. Pursuant to rule 20(5) and rule 62(1) and (2) of the Tribunal's Rules, any application for further case management directions before the hearing on 30 January 2005 may be considered by the Chairman sitting alone.
8. the parties file and serve skeleton arguments for the main hearing in accordance with the following timetable:
 - a. 6 January 2006 - the appellant and Worldwide Connect UK Limited

- b. 16 January 2006 - the respondent
- c. 23 January 2006 - Vodafone Limited and T-Mobile (UK) Limited

9. costs be reserved.

10. there be liberty to apply.

Marion Simmons QC
Chairman of the Competition Appeal Tribunal

Made: 1 December 2005
Drawn: 13 December 2005