



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 considering the Tribunal's judgment handed down on 31 August 2006 [2006] CAT 17 ("the Judgment")

AND UPON hearing counsel and advocates for the parties at a hearing on 13 September 2006

AND UPON reading the submissions of the parties as to the appropriate form of order

IT IS ORDERED THAT:

1. The appeal is dismissed.
2. The respondent's Decision dated 28 June 2005 ("the Decision") that Vodafone had not abused a dominant position when disconnecting Floe's SIM cards is confirmed.
3. In so far as the Respondent's reasoning and conclusions in the Decision differ from the reasons set out in the Judgment the Decision is set aside
 - a. as being misconceived as is set out under the Summary of the Tribunal's Judgment at paragraphs 12(1) and 12(5) and (6) which paragraphs cross refer to the relevant paragraphs in the Decision and in the main body of the Judgment:
 - b. as being inadequately reasoned as is set out under the Summary of the Tribunal's Judgment at paragraphs 12(3) and 12(4) which paragraphs cross refer to the relevant paragraphs in the Decision and in the main body of the Judgment.
4. There be general permission to apply.

Marion Simmons QC
Chairman of the Competition Appeal Tribunal

Made: 18 January 2007
Drawn: 18 January 2007