



COMPETITION APPEAL TRIBUNAL

**IN THE COMPETITION APPEAL
TRIBUNAL**

Case No. 1024/2/3/04

BETWEEN:

**FLOE TELECOM LIMITED
(in administration)**

Appellant

-v.-

OFFICE OF COMMUNICATIONS

Respondent

supported by

VODAFONE LIMITED

Intervener

ORDER OF THE TRIBUNAL

UPON reading the documents lodged with the Tribunal

AND UPON hearing legal representatives for the parties in this case and those in Case 1027/2/3/04 *VIP Communications Limited v Office of Communications* at a case management conference held on 2 April 2004.

AND UPON the Tribunal receiving VIP Communications Limited's ("VIP") undertaking through its legal representative Taylor Wessing, by letter of 15 April 2004, to be bound by the Tribunal's final judgment in this appeal

IT IS ORDERED THAT:

1. Floe be granted permission to amend its notice of appeal by substituting its amended notice of appeal dated 19 February 2004 to put forward "the primary argument" (see schedule 1 to the amended notice of appeal), "the first alternative argument" (see schedule 2 to the amended notice of appeal), and the "second alternative argument" to the extent set out in paragraphs 2 to 4 of schedule 3 to the amended notice of appeal.
2. T-Mobile (UK) Limited ("T-Mobile") be granted permission to intervene in the proceedings for the purposes of the determination of the primary argument.

3. Floe serve a copy of its amended notice of appeal on T-Mobile.
4. a hearing be listed to determine the matters set out in paragraph 1 above at a time and date in July 2004 to be notified to the parties.
5. OFCOM file and serve its defence by 5pm on 14 May 2004.
6. the interveners file and serve their statements of intervention by 5pm on 28 May 2004.
7. the costs of Floe's application for permission to amend its notice of appeal are reserved.
8. there be liberty to apply.

Sir Christopher Bellamy
President of the Competition Appeal Tribunal

Made: 20 April 2004
Drawn 20 April 2004