



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

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 application by WorldWide Connect UK Limited for permission to intervene in the proceedings

AND UPON reading the requests by the respondent and first intervener for further and better particulars of the appellant's statement of case

AND UPON reading the appellant's responses to the requests for further and better particulars

AND UPON considering the parties' written submissions in advance of the case management conference on 20 September 2005

AND UPON hearing the legal representatives of the parties at a case management conference held on 20 September 2005

IT IS ORDERED THAT:

1. the respondent and first intervener file and serve a list of issues arising from the appellant's statement of case upon which they are seeking clarification by 5pm on 21 September 2005.
2. the appellant file and serve a response to the document filed and served pursuant to paragraph 1 above by 5pm on 26 September 2005.
3. WorldWide Connect UK Limited particularise the matters upon which it relies in relation to sufficient interest in the outcome of the proceedings and the issues to which it intends its intervention will principally be directed.
4. the application by WorldWide Connect UK Limited for permission to intervene in the proceedings be adjourned to the next case management conference.
5. the parties cooperate with a view to agreeing:
 - a. which, if any, issues in the appeal require expert evidence; and
 - b. in respect of such issues, whether a single joint expert is appropriate.
6. the parties cooperate with a view to agreeing a list of the principal issues in the appeal.
7. to the extent that no agreement is reached on the matters set out at paragraphs 5 and 6 above, the parties file a report on matters not agreed and the reasons for the disagreement by 5pm on 25 October 2005.
8. The issues of market definition, dominance and effect on trade between Member States are stayed until after the Tribunal's decision on the issues to be agreed between the parties pursuant to paragraph 6 above.
9. subject to claims for confidentiality and privilege, the respondent disclose:
 - a. all relevant documents on its files by 5pm on 5 October 2005; and

- b. copies of correspondence and notes of meetings and telephone calls between the Radiocommunications Agency and the Department of Trade and Industry in the period between February 2002 and August 2003 by 5pm on 12 October 2005

in each case, at the same time as disclosure is given, the respondent file and serve a list identifying any documents not disclosed on the grounds of confidentiality and/or privilege.

- 10. the time for service of the defence is extended to 5pm on 11 October 2005.
- 11. the interveners respectively file and serve statements of intervention by 5pm on 25 October 2005.
- 12. a further case management conference be listed for 2.00pm on 2 November 2005.
- 13. pursuant to rule 62(1) and (2) of the Tribunal's Rules further case management directions in respect of expert evidence and the clarification of the appellant's statement of case arising before the case management conference on 2 November 2005 shall be considered by the Chairman sitting alone.
- 14. the matter be listed for a main hearing on 1 December 2005 with a time estimate of 2 days.
- 15. costs be reserved.
- 16. there be liberty to apply.

Marion Simmons QC
Chairman of the Competition Appeal Tribunal

Made: 20 September 2005
Drawn: 21 September 2005