



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case: 1007/2/3/02

BEFORE:

**Sir Christopher Bellamy (President)
Professor John Pickering
Dr Arthur Pryor CB**

FREESERVE.COM PLC

Applicant

-v-

THE DIRECTOR GENERAL OF TELECOMMUNICATIONS

Respondent

Supported by

BT GROUP PLC

Intervener

ORDER

Upon handing down the Tribunal's judgment of 16 April 2003 ([2003] CAT 5)

And upon hearing counsel for the parties

And upon the respondent undertaking through counsel that he will adopt a further decision on the pricing issues raised in the applicant's complaint of 26 March 2002 ("the pricing issues") which the respondent rejected in paragraphs 15 to 17 of his decision of 21 May 2002, which paragraphs have now been set aside

And upon the respondent further undertaking through counsel that before reaching any further decision adverse to the applicant, the respondent shall give the applicant and the intervener the opportunity to be heard (whether by providing a copy of any draft decision to the applicant and the intervener and inviting them to submit comments on it, or otherwise) and to make such further submissions as they may see fit

IT IS ORDERED THAT:

1. There is no order pursuant to paragraph 3(2)(a) of Schedule 8 of the Competition Act 1998 to remit any part of the matter to the respondent.

2. The further decision which the respondent has undertaken to adopt in relation to the pricing issues is to be taken within 3 months of the making of this order, namely by 5pm on Wednesday 16 July 2003, unless further time is allowed by the Tribunal.
3. The respondent is to pay such costs of the applicant as were incurred in relation to the issue of admissibility which was the subject of the Tribunal's judgment of 11 November 2002 ([2002] CAT 8).
4. If not agreed, the costs in paragraph 3 of this order are to be assessed by the Tribunal pursuant to rule 26(3) of the Tribunal's Rules, subject to such further order as the Tribunal may make.
5. Save as set out in paragraphs 3 and 4 of this order, there is no order for costs.
6. Liberty to apply.

Sir Christopher Bellamy
President of the Competition Appeal Tribunal

Made: 16 April 2003
Drawn: 24 April 2003