



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case No. 1046/2/4/04

BETWEEN:

ALBION WATER LIMITED

Appellant

-v-

**WATER SERVICES REGULATION AUTHORITY
(FORMERLY THE DIRECTOR GENERAL OF WATER SERVICES)**

Respondent

and

(1) DŴR CYMRU CYFYNGEDIG

First Intervener

and

(2) UNITED UTILITIES WATER PLC

Second Intervener

ORDER

UPON the Tribunal's judgment of 18 December 2006 [2006] CAT 36 referring certain matters back to the respondent under Rule 19(2)(j) of the Competition Appeal Tribunal Rules 2003 (S.I. 2003, No.1372) for further investigation

AND UPON considering the respondent's "Final Report to the Competition Appeal Tribunal" dated 18 June 2007 ("the Final Report")

AND UPON considering the parties' written submissions in advance of the case management conference

AND UPON hearing the legal representatives of the parties at the case management conference held on 23 October 2007

AND UPON Aquavitae (UK) Limited having indicated that it would withdraw as intervener in these proceedings

IT IS ORDERED THAT:

1. By 4:00pm on 20 November 2007 the appellant file and serve a document identifying under the headings set out in the Annex to this Order the following:
 - (a) The relevant paragraph number in the Final Report which contains the point(s) that are disputed;
 - (b) The text of the paragraph containing the point in dispute;
 - (c) The appellant's point(s) of dispute, including the identification of the point(s) and giving its reasons for disputing the point(s)

If possible such document to be provided in the form of a Schedule with five columns: the first three columns to contain the matters in paragraph 1(a)-(c) above and the fourth and fifth columns to provide space for the following:

- (d) The respondent's response to the point(s) of dispute raised by the appellant, indicating whether the point is accepted and, if not, giving the reasons for disagreement;
 - (e) A blank column
2. By 4:00pm on 20 November 2007 the first intervener file and serve a document identifying under the headings set out in the Annex to this Order the matters in paragraph 1(a)-(c) above *mutatis mutandis*. If possible such document to be provided in the form of a Schedule as per paragraph 1(a)-(e) above *mutatis mutandis*
3. By 4:00pm on 18 December 2007 the respondent file and serve a response to the point(s) of dispute raised by the appellant and the first intervener, indicating whether the point is accepted and, if not, giving the reasons for disagreement; such response to be set out in the column referred to in paragraph 1(d) above
4. By 4:00pm on 25 January 2008 the appellant and first intervener file and serve written submissions for the hearing
5. By 4:00pm on 8 February 2008 the respondent file and serve written submissions for the hearing
6. By 4:00pm on 8 February 2008, if so advised, the second intervener file and serve written submissions for the hearing, the second intervener to avoid duplication of submissions
7. By 12:00pm on 12 February 2008, if so advised, the appellant file and serve written submissions in reply

8. A hearing be listed for 14 February 2008 with a time estimate of one day, with a further day in reserve
9. Costs be reserved
10. There shall be permission to apply

Marion Simmons QC
Chairman of the Competition Appeal Tribunal

Made: 23 October 2007
Drawn: 25 October 2007

Annex

The headings referred to in paragraph 1 of this Order are as follows:

Heading 1: The specific components of cost which should not have been included in the costs calculation in the Final Report

Heading 2: Arithmetical errors allegedly committed by the respondent in the Final Report

Heading 3: Methodological errors and errors of economic assessment allegedly committed by the respondent in the Final Report