



**IN THE COMPETITION  
APPEAL TRIBUNAL**

**Case: 1047/3/3/04**

**Before:  
Mr Justice Mann (Chairman)  
Mr Adam Scott TD  
Professor Paul Stoneman**

**HUTCHISON 3G (UK) LIMITED**

**Appellant**

**-and-**

**THE OFFICE OF COMMUNICATIONS**

**Respondent**

**Supported by**

**BRITISH TELECOMMUNICATIONS PLC**

**Intervener**

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**ORDER**

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**UPON** considering that Tribunal's Judgment handed down on 29 November 2005 [2005] CAT 39 ("the Judgment")

**AND UPON** reading the submissions of the Appellant and Respondent as to the appropriate consequential directions

**AND UPON** hearing counsel for the parties at a hearing on 16 December 2005

**BY CONSENT IT IS ORDERED THAT:**

1. The Respondent's decision dated 1 June 2004 is remitted to the Respondent for reconsideration as to whether the Appellant has significant market power in the market for mobile wholesale voice call termination on the Appellant's network taking into account the extent to which countervailing buyer power exists in the Intervener and any other matters as are relevant at the time of the Respondent's reconsideration;
2. The Respondent's reconsideration shall take account of the Judgment.
3. There be general liberty to apply.

**Mr Justice Mann**  
Chairman of the Competition Appeal Tribunal

Made: 16 December 2005  
Drawn: 10 March 2006