



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1071/2/1/06

BETWEEN:

CITYHOOK LIMITED

Appellant

-and-

OFFICE OF FAIR TRADING

Respondent

-supported by-

ALCATEL SUBMARINE NETWORKS LIMITED

BRITISH TELECOMMUNICATIONS PLC

CABLE AND WIRELESS PLC

GC PAN EUROPEAN CROSSING UK LIMITED

AND

GLOBAL CROSSING EUROPE LIMITED

GLOBAL MARINE SYSTEMS LIMITED

NTL GROUP LIMITED

TYCO TELECOMMUNICATIONS (US) INC.

Interveners

ORDER OF THE TRIBUNAL

UPON considering the requests for permission to intervene in these proceedings by British Telecommunications Plc (“BT”) and Tyco Telecommunications (US) Inc. (“Tyco”) filed on 20 September 2006, by GC Pan European Crossing UK Limited and Global Crossing Europe Limited (“Global Crossing”) and Cable and Wireless Plc (“Cable and Wireless”), filed on 21 September 2006, by NTL Group Limited (“NTL”) filed on 22 September 2006 and by Global Marine Systems Limited (“GMS”) filed on 29 September 2006

AND UPON reading the appellant’s observations dated 27 September 2006, the letter from the appellant’s solicitors dated 29 September 2006 and the submissions of the parties filed in advance of the case management conference on 23 October 2006

AND UPON hearing the parties at that case management conference

IT IS ORDERED THAT:

1. NTL be granted an extension of time until 22 September 2006 to file its request for permission to intervene in these proceedings pursuant to Rule 19(i) of the Tribunal's Rules.
2. GMS be granted an extension of time until 29 September 2006 to file its request for permission to intervene in these proceedings pursuant to Rule 19(i) of the Tribunal's Rules.
3. BT, Cable and Wireless, Global Crossing, GMS, NTL and Tyco be granted permission to intervene in these proceedings pursuant to Rule 16 of the Tribunal's Rules.
4. Paragraph 4 of the Order made on 14 September 2006 be amended to read: "The appellant be granted permission to amend its notice of appeal to incorporate the clarification contained in the letter from the appellant's solicitors dated 29 September 2006, the amended notice of appeal to be filed and served by 5.00pm on 31 October 2006."
5. If so advised, Alcatel Submarine Networks Limited, Cable and Wireless, GMS and Tyco file and serve a response to any application for disclosure by 5:00pm on 6 November 2006.
6. If so advised, BT, Global Crossing and NTL file and serve responses to any such application for disclosure by 5:00pm on 8 November 2006, these parties to liaise to ensure there is no duplication of submissions in the responses.
7. Paragraph 12 of the Order made on 14 September 2006 be amended to read: "A hearing to consider any application for disclosure be fixed for 10.30am on 14 November 2006, the interveners having liberty to attend such hearing."
8. The appellant and respondent file and serve skeleton arguments for the hearing on 14 November 2006 by 10.00am on 13 November 2006.
9. Costs be reserved.
10. There be permission to apply.

Marion Simmons QC
Chairman of the Competition Appeal Tribunal

Made: 23 October 2006
Drawn: 13 November 2006