



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case: 1083/3/3/07

B E T W E E N:

HUTCHISON 3G UK LIMITED

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

supported by

02 (UK) LIMITED

T-MOBILE (UK) LIMITED

VODAFONE LIMITED

ORANGE PERSONAL COMMUNICATIONS SERVICES LIMITED

BRITISH TELECOMMUNICATIONS PLC

Interveners

ORDER

UPON reading OFCOM's statement entitled "Mobile call termination" published on 27 March 2007 ("the statement")

AND UPON reading the appellant's Notice of Appeal filed on 23 May 2007

AND UPON the appellant indicating in its Notice of Appeal that it considered certain matters raised therein to be "price control matters" within the meaning of section 193 of the Communications Act 2003 and Rule 3(1) of the Competition Appeal Tribunal (Amendment and Communications Act Appeals) Rules 2004, SI 2004 No. 2068

AND UPON the Tribunal writing to the parties and the Competition Commission on 12 July 2007 in respect of a number of issues arising in Case nos. 1083/3/3/07, 1084/3/3/07 and 1085/3/3/07

AND UPON considering the parties' written responses to the Tribunal's letter dated 12 July 2007

AND UPON hearing counsel for the parties, and counsel for the Competition Commission, at a case management conference on 26 July 2007

AND UPON it becoming apparent from the correspondence and the submissions at the case management conference that there was a difference in opinion as to whether certain issues (as set out at sections 3 and 4 of the appendix to the appellant's Notice of Appeal) are or are not price control matters, and if so, to what extent

AND UPON the Tribunal deciding at the case management conference that it would decide this matter as a preliminary issue

AND UPON counsel for the appellant and the respondent agreeing to circulate to the parties two alternative formulations of the preliminary issue to be determined by the Tribunal as soon as practicable

AND UPON the Tribunal indicating that it would determine, on the papers, the appropriate formulation of preliminary issue

AND UPON counsel for OFCOM agreeing to provide the Tribunal and the Competition Commission with the unredacted version of the statement

AND UPON no party at the case management conference objecting to the provision of the unredacted version of the statement to the Tribunal and the Competition Commission

IT IS ORDERED THAT:

1. OFCOM shall file with the Tribunal and serve on the Competition Commission the unredacted version of the statement forthwith.
2. The parties shall file and serve written submissions in support of one of the proposed formulations of the preliminary issue, or provide an alternative formulation, by 5.00pm on 2 August 2007.
3. The parties shall file and serve (on all parties and the Competition Commission) skeleton arguments for the hearing on the preliminary issue, as identified by the Tribunal, by 12.00 noon on 7 September 2007.

4. The hearing of the preliminary issue be fixed for 10.30am on 19 September 2007 with a time estimate of 1 day.
5. There be permission to apply.

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 26 July 2007
Drawn: 1 August 2007