



**IN THE COMPETITION  
APPEAL TRIBUNAL**

Cases No: 1083/3/3/07  
1085/3/3/07

**B E T W E E N**

**HUTCHISON 3G UK LIMITED**

-and-

**BRITISH TELECOMMUNICATIONS PLC**

Appellants / Interveners

-v-

**OFFICE OF COMMUNICATIONS**

Respondent

-and-

**O2 (UK) LIMITED**

**T-MOBILE (UK) LIMITED**

**VODAFONE LIMITED**

**ORANGE PERSONAL COMMUNICATIONS SERVICES LIMITED**

Interveners

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**ORDER**

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**UPON** considering the notice of appeal dated 23 May 2007 lodged by Hutchison 3G UK Limited (“H3G”) (as amended pursuant to the Order of the Tribunal dated 6 November 2007), in which certain specified price control matters are raised

**AND UPON** considering the notice of appeal dated 23 May 2007 lodged by British Telecommunications plc (“BT”) (as amended pursuant to the Ruling of the Tribunal dated 17 December 2007), in which certain specified price control matters are raised

**AND UPON** considering the Orders of the Tribunal of 6 November 2007 concerning the service of outline pleadings by the Respondent and Interveners

**AND UPON** hearing counsel for the parties and for the Competition Commission at a case management conference on 25 February 2008

**IT IS ORDERED THAT:**

1. OFCOM be granted permission to amend or supplement its defence in so far as necessary to respond to the amendments to BT’s notice of appeal permitted by the Tribunal’s Ruling of 17 December 2007; any such amendment or supplementary defence to be filed and served by 5.00pm on 7 March 2008 (confidential version only).
2. BT and H3G file and serve confidential and non-confidential versions of any further supplementary material (including statements, submissions or evidence) in support of their existing notices of appeal, as amended, by 5.00pm on 7 March 2008. The supplemental expert and witness evidence filed by BT on 20 November 2007 (“the BT November Evidence”) shall, for the purposes of this Order, be treated as filed and served pursuant to this paragraph.
3. OFCOM file and serve confidential versions of any response to the pleadings and evidence referred to in paragraph 2 of this Order (including the BT November Evidence) and/or any further statements or submissions in response or supporting evidence by 5.00pm on 4 April 2008.
4. All appellants and interveners notify OFCOM by 5.00pm on 11 April 2008 of any confidential information contained in the documents served pursuant to paragraph 3 of this Order. OFCOM shall be entitled to treat any information contained in

- those documents that has not been identified by any party as confidential information in accordance with this paragraph as non-confidential information.
5. OFCOM file and serve a non-confidential version of the documents served pursuant to paragraph 3 by 5.00pm on 14 April 2008.
  6. The Interveners file and serve the full confidential and non-confidential versions of their Statements of Intervention (including any evidence in support) by 5.00pm on 21 April 2008.
  7. H3G and BT file and serve confidential and non-confidential versions of any further reply (including any additional evidence in support) by 5.00pm on 6 May 2008.
  8. OFCOM file and serve a confidential version of any further reply (including any additional evidence in support) by 5.00pm on 6 May 2008.
  9. All appellants and interveners notify OFCOM by 5.00pm on 12 May 2008 of any confidential information contained in the documents served pursuant to paragraph 8 of this Order. OFCOM shall be entitled to treat any information contained in those documents that has not been identified by any party as confidential information in accordance with this paragraph as non-confidential information.
  10. OFCOM file and serve a non-confidential version of the documents served pursuant to paragraph 8 by 5.00pm on 15 May 2008.
  11. All pleadings and supporting evidence and other documents or materials filed and served pursuant to this Order are to be served on the Competition Commission at the same time as they are filed with the Tribunal and served on the other parties.
  12. There be permission to apply.

**Vivien Rose**  
Chairman of the Competition Appeal Tribunal

Made: 25 February 2008  
Drawn: 5 March 2008