



**IN THE COMPETITION  
APPEAL TRIBUNAL**

**Case: 1087/2/3/07**

**B E T W E E N:**

**INDEPENDENT MEDIA SUPPORT LIMITED**

**Appellant**

**-v-**

**OFFICE OF COMMUNICATIONS**

**Respondent**

**-supported by-**

**RED BEE MEDIA LIMITED**

**BRITISH BROADCASTING CORPORATION**

**Interveners**

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**ORDER OF THE TRIBUNAL**

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**UPON** reading (a) a decision entitled “Complaint from Independent Media Support Limited about BBC Broadcast’s provision of television access services to Channel 4” (“the Channel 4 decision”) and (b) a case closure document entitled “Complaint from Independent Media Support Limited about BBC Broadcast’s provision of television access services to the BBC” (“BBC case closure decision”) both issued on 30 May 2007 and (c) the appellant’s notice of appeal dated 29 June 2007

**AND UPON** the respondent indicating on 26 July 2007 that it wished to contest the admissibility of the appeal in respect of the BBC case closure decision

**AND UPON** considering the requests for permission to intervene filed on behalf of Red Bee Media Limited (“Red Bee”) on 30 July 2007 and of the British Broadcasting

Corporation (“the BBC”) on 1 August 2007 and the parties’ observations on those requests

**AND UPON** considering the written submissions of the parties, Red Bee and the BBC filed in advance of the case management conference

**AND UPON** hearing the legal representatives for the parties, Red Bee and the BBC at a case management conference on 14 August 2007

**AND** pursuant to rules 16, 18, 19 and 53 of the Competition Appeal Tribunal Rules 2003, S.I. 2003 No. 1372

**IT IS ORDERED THAT:**

1. The proceedings be treated as proceedings in England and Wales
2. Red Bee and the BBC be permitted to intervene in the proceedings and that the appellant serve a non-confidential version of the notice of appeal including annexes on the interveners forthwith
3. The appellant file and serve clarification of its notice of appeal by 5:00 pm on 17 August 2007, indicating, in relation to each paragraph of the notice on which the appellant seeks to rely as supporting a ground of appeal, whether the ground of appeal so relied upon constitutes an error of law, or of fact or appraisal or a procedural irregularity and, in the case of an error of law, indicating the relevant law
4. The respondent file and serve its defence, to include its submissions on the merits of the appeal against the Channel 4 decision and as to the admissibility of the appeal against the BBC case closure decision, together with any witness evidence on which it intends to rely and any voluntary disclosure by 5.00pm on 31 August 2007
5. The respondent notify the Tribunal and the parties as soon as reasonably practicable whether any person asserts that information set out in the unredacted version of the Channel 4 decision or the BBC case closure decision is confidential and if so, indicating the nature of the information for which confidentiality is claimed
6. The interveners file and serve their statements of intervention in respect of the Channel 4 decision by 5.00pm on 18 September 2007, these parties to liaise to ensure so far as practicable that there is no duplication of submissions
7. The question whether the BBC case closure decision is a decision falling within section 46(3) of the Competition Act 1998 be heard as a preliminary issue and further that in relation to that preliminary issue

- a. The appellant file and serve its skeleton argument by 5.00pm on 18 September 2007
  - b. The respondent file and serve its skeleton argument by 5.00pm on 25 September 2007
  - c. If so advised, the interveners file and serve their skeleton arguments by 5.00pm on 2 October 2007
  - d. the parties to liaise to ensure so far as practicable that there is no duplication of submissions
  - e. the parties prepare an agreed bundle of documents to serve as the main bundle for the hearing of the preliminary issue and an agreed bundle of authorities to be referred to at the hearing
  - f. the parties file six copies of each of the said bundles by 5 pm on 2 October 2007
  - g. A hearing be listed for 8 October 2007 with a time estimate of one day
8. Costs be reserved
  9. There be permission to apply

Vivien Rose  
Chairman of the Competition Appeal Tribunal

Made: 14 August 2007  
Drawn: 15 August 2007