



IN THE COMPETITION APPEAL TRIBUNAL

Case: 1094/3/3/08

BETWEEN:

VODAFONE LIMITED

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON reading the Concluding Statement on Telephone number portability for consumers switching suppliers published on 29 November 2007 by the Office of Communications (“Ofcom”)

AND UPON reading the notice of appeal lodged by Vodafone Limited (“Vodafone”) on 18 February 2008

AND UPON reading the requests for permission to intervene from: (i) T-Mobile (UK) Limited (“T-Mobile”) dated 27 February 2008, (ii) Hutchison 3G UK Limited (“H3G”) dated 27 February 2008, (iii) O2 (UK) Limited (“O2”) dated 28 February 2008, (iv) Orange Personal Communications Services Limited (“Orange”) dated 29 February 2008 and (v) British Telecommunications plc (“BT”) dated 29 February 2008

AND UPON reading the submission of Vodafone dated 3 March 2008 and the submission of Ofcom dated 7 March 2008 indicating that they did not object to any of the requests for permission to intervene

AND UPON considering the parties’ written submissions for the case management conference dated 20 March 2008

AND UPON hearing counsel for the parties and proposed interveners at a case management conference on 31 March 2008

AND UPON the Tribunal indicating that the parties should endeavour, so far as possible, to agree upon the issues in these proceedings

IT IS ORDERED THAT:

1. Pursuant to rule 18 of the Competition Appeal Tribunal Rules 2003, S.I. 2003 No. 1372 (“the Tribunal Rules”), the proceedings be treated as proceedings in England and Wales
2. T-Mobile, H3G, O2, Orange and BT (together, “the interveners”) be granted permission to intervene in the proceedings and Ofcom serve a non-confidential version of the defence on the interveners forthwith
3. The parties and interveners formulate and agree between themselves arrangements for the disclosure of confidential information and documents strictly necessary to the proceedings and submit the agreed arrangements to the Tribunal in the form of an agreed draft order as soon as possible, and in any event no later than 4pm on 10 April 2008
4. The interveners apart from H3G to liaise as to: (i) the issues in the proceedings upon which they are in agreement (“the agreed issues”), (ii) the appointment of a lead intervener for each of the agreed issues for the purposes of the hearing and (iii) any issues which are not agreed issues which should be identified with a time estimate to be provided for the presentation of such arguments at the hearing
5. H3G to ensure so far as practicable that their submissions do not duplicate those of Ofcom
6. Any data in relation to cost-benefit analysis to be submitted by the parties and interveners be summarised, in so far as possible, in schedule form with the propositions of each of the parties and interveners set out in separate columns
7. In relation to the proceedings before the Tribunal:
 - a. H3G file and serve its statement of intervention by 4pm on 25 April 2008
 - b. Vodafone file and serve its reply to Ofcom’s defence by 4pm on 2 May 2008
 - c. The interveners apart from H3G file and serve their statements of intervention by 4pm on 9 May 2008
 - d. Vodafone and Ofcom file and serve their skeleton arguments by 4pm on 23 May 2008
 - e. The parties prepare an agreed bundle of documents to serve as the core bundle for the hearing, an agreed joint bundle of authorities to be referred to at the hearing with key sections flagged for reference and so far as practicable an agreed running order for the hearing

- f. The parties file six copies of each of the said bundles by 4pm on 23 May 2008
 - g. A hearing be listed for 18 June 2008 with a time estimate of two days with a day in reserve
8. Costs be reserved
9. There be liberty to apply

Lord Carlile of Berriew QC
Chairman of the Competition Appeal Tribunal

Made: 31 March 2008
Drawn: 1 April 2008