



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1103/3/3/08

BETWEEN:

TELEFONICA O2 UK LIMITED

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

ORDER OF THE CHAIRMAN

UPON reading the Notice of Appeal filed by Telefonica O2 UK Limited on 3 June 2008

AND UPON hearing the legal representatives of the parties at a case management conference in Case: 1102/3/3/08 T-Mobile (UK) Limited v Office of Communications (“the T-Mobile Proceedings”) on 30 May 2008

AND HAVING REGARD TO the Order made on the 30 May 2008 in the T-Mobile Proceedings in relation to the hearing of a preliminary issue

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. The following question be determined as a preliminary issue

“whether the Tribunal has jurisdiction under section 192 of the Communications Act 2003 or otherwise to determine the appeal brought by Telefonica O2 UK Limited in these proceedings”
3. The Respondent file and serve its defence in relation to the preliminary issue by 5.00pm on 6 June 2008. The time for filing the defence with the Tribunal under Rule 14 of the Tribunal Rules in relation to the other issues raised in the notice of appeal is suspended until further order.

4. The period of three weeks for lodging a request for permission to intervene in relation to the preliminary issue stipulated by Rule 15(2)(f) of the Tribunal Rules be abridged so that requests for permission to intervene in relation to the preliminary issue are to be made by no later than 5pm on 6 June 2008.
5. In relation to the preliminary issue:
 - a. The Appellant file and serve a skeleton argument for the hearing by 5.00pm on 13 June 2008. The Appellant to use its best endeavours to avoid duplication with the skeleton argument served by T-Mobile in the T-Mobile Proceedings;
 - b. The Respondent file and serve a skeleton argument for the hearing by 5.00pm on 20 June 2008. The Respondent to use its best endeavours to avoid duplication with its skeleton argument served in the T-Mobile Proceedings and may, if so advised, serve a joint skeleton argument;
 - c. The hearing of the preliminary issue be listed for hearing at the same time as the hearing of the preliminary issue in the T-Mobile Proceedings, namely on 26 June 2008 with a time estimate of one and a half days.
6. Costs be reserved.
7. There be liberty to apply.

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 4 June 2008
Drawn: 4 June 2008