



**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-

**TELEFÓNICA 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** the Tribunal having referred the specified price control matters raised in these appeals to the Competition Commission on 18 March 2008 (“the Reference”)

**AND UPON** the Competition Commission having issued its determination of the Reference on 16 January 2009 (“the Determination”) and a non-confidential version of that Determination having been published on 22 January 2009

**AND UPON** reading the application for interim relief made by BT on 27 January 2009

**AND UPON** reading the letters from T-Mobile dated 28 January 2009 and each of Hutchison 3G, Vodafone and Orange dated 29 January 2009 setting out those parties’ outline grounds for contesting the Competition Commission’s Determination and raising certain points relating to the final disposal of the appeals

**AND UPON** reading the letters from BT and O2 dated 29 January 2009 raising certain other points in relation to the final disposal of the appeals

**AND UPON** hearing counsel for the parties at a case management conference on 2 February 2009

**IT IS ORDERED THAT:**

1. In respect of the application by BT for interim relief:
  - a. If so advised, the parties shall file and serve written submissions in response to BT’s application by 5.00pm on 13 February 2009.
  - b. BT shall file and serve any reply by 5.00pm on 23 February 2009.
  - c. The application shall be heard at a hearing fixed for 10.30am on 27 February 2009.
2. In respect of all other matters concerning the directions (if any) with which the Tribunal will remit to OFCOM the decisions under appeal (“the final directions”):
  - a. T-Mobile, H3G, Vodafone and Orange are granted permission to file written submissions setting out their grounds for challenging the

Competition Commission's Determination corresponding to the grounds of challenge outlined in their letters of 28 and 29 January.

- b. Any party that wishes to raise any further grounds of challenge to the Competition Commission's Determination is to apply to the Tribunal for permission.
  - c. Any written submissions concerning the final directions including those referred to in (a) are to be filed and served by 5.00pm on 20 February 2009.
  - d. Responses to the written submissions referred to above shall be filed and served by 5.00pm on 3 March 2009.
  - e. The written submissions and responses referred to above are to be limited to 10 pages of normal typeface per ground of challenge or other issue on directions.
  - f. The Interveners are to liaise to avoid duplication in their submissions so far as possible.
  - g. A hearing shall be listed for one or more days on 19, 20, 24 or 25 March 2009; the Tribunal will write to the parties in due course to confirm the date or dates of that hearing.
3. The parties are to provide the Tribunal with 10 hard copies of any document required to be filed with the Tribunal pursuant to the terms of this Order.
4. There shall be permission to apply.

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

Made: 2 February 2009  
Drawn: 4 February 2009