



**IN THE COMPETITION
APPEAL TRIBUNAL**

Cases No: 1089/3/3/07
1090/3/3/07
1091/3/3/07
1092/3/3/07

BETWEEN

T-MOBILE (UK) LIMITED
-and-
BRITISH TELECOMMUNICATIONS PLC
-and-
HUTCHISON 3G UK LIMITED
-and-
CABLE & WIRELESS & ORS

Appellants / Interveners

-and-
VODAFONE LIMITED
ORANGE PERSONAL COMMUNICATIONS SERVICES LIMITED

Interveners

-v-
OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON handing down the Tribunal's judgment on the "core issues" arising in these appeals on 20 May 2008 ([2008] CAT 12) ("Core Issues Judgment")

AND UPON considering the request contained in the letter from Orange dated 25 July 2008 to vary the terms of the embargo that apply to the draft unapproved judgment on the rates in dispute ("Draft Judgment"), made available to the parties on 25 July 2008

AND UPON the Tribunal writing to the parties in respect of a proposal to permit the conclusions contained in paragraph [117] of the Draft Judgment (“the Conclusions”) to be communicated to a named individual for each party, provided such individual gives an appropriate confidentiality undertaking and otherwise agrees to abide by the terms of the embargo

AND UPON reading the observations contained in the letters from Orange, T-Mobile, the 1092 Appellants dated 31 July 2007 and there being no objections to the Tribunal’s proposal

AND UPON Jane Cooper (Orange), David Rodman (Vodafone), James March (T-Mobile), Tim Lord (H3G), Nick Harding (Cable & Wireless), Colin Scott (Thus), John Hudson (Verizon), Rickard Granberg (Opal Telecom), and Dougald Robinson (Global Crossing) prior to the making of this Order, having each given a written undertaking to the Tribunal, in the terms of Part B of the Schedule to this Order and otherwise abide by the terms of the embargo set out in the letter of 24 July 2008

IT IS ORDERED THAT:

1. Each party may, if so advised, communicate the Conclusions to one named individual, who is able, without further consultation, to give instructions as to the lodging of an appeal from the Core Issues Judgment;
2. There be liberty to apply.

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 1 August 2008
Drawn: 15 August 2008

SCHEDULE

Part A

This part contains the nominated individuals for each party:

Orange

Jane Cooper

Vodafone

David Rodman

T-Mobile

James March

H3G

Tim Lord

Cable & Wireless

Nick Harding

Thus

Colin Scott

Verizon

John Hudson

Opal Telecom

Rickard Granberg

Global Crossing

Dougald Robinson

Part B

I, [name], of [firm or company] being [position] undertake to the Tribunal as follows:

1. I will not, prior to the handing down of the Tribunal's final judgment on the disputed rates, disclose the Conclusions to any person (other than to [party] legal representatives to whom the Draft Judgment on the Disputed Rates was disclosed on 25 July 2008) without the permission of the Tribunal.
2. I will use the Conclusions only for the purpose of determining whether [party] wishes to lodge an appeal with the Court of Appeal against the Core Issues Judgment and to instruct [party] legal representatives accordingly.
3. I am able, without further consultation, to give instructions as to the lodging of an appeal with the Court of Appeal.
4. I will not make any documentary record of the Conclusions prior to the handing down of the Tribunal's final judgment on the disputed rates.
5. I will otherwise abide by the terms of the Embargo.