



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1111/3/3/09

BETWEEN

THE CARPHONE WAREHOUSE GROUP PLC

Appellant

- supported by -

BRITISH SKY BROADCASTING LIMITED

Intervener

- v -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

BRITISH TELECOMMUNICATIONS PLC

Intervener

ORDER

UPON reading the correspondence from the legal representatives of all the parties to this Appeal relating to the establishment of a confidentiality ring;

AND UPON hearing the legal representatives of The Carphone Warehouse Group plc, British Sky Broadcasting Limited, Office of Communications and British Telecommunications plc at a case management conference on 25 September 2009;

AND UPON each of the persons named in Part A of the Schedule to this Order ("the Relevant Advisers"), having given a written undertaking to the Tribunal in the terms of Part B of the Schedule to this Order

IT IS ORDERED THAT:

1. For the purposes of this Order:
 - (a) **"Confidential Information"** is defined as information justifying confidential treatment by the Tribunal in accordance with rule 53 of the Competition Appeal Tribunal Rules 2003 which is contained in (i) the full un-redacted versions of the parties' pleadings and other documents served on the Tribunal which has not, prior to the making of this Order, been disclosed to all other parties in the non-confidential versions of pleadings and other documents thus far served, and/or (ii) any documents served or disclosed hereafter.
 - (b) **"Relevant Advisers"** are those persons:
 - (i) listed in part A of the Schedule to this Order; or
 - (ii) authorised by the Tribunal upon further application.
2. Each of the parties shall hereafter disclose to the other parties un-redacted versions of their pleadings and other documents served in these proceedings on the condition that such un-redacted versions and any Confidential Information contained within these shall be disclosed only to the Relevant Advisers listed in Part A of the Schedule to this Order.
3. All such un-redacted versions of pleadings and other documents served in these proceedings must be marked so as to indicate the parts in relation to which confidential treatment is claimed, in the manner referred to in paragraph 13.22 of the Tribunal's Guide to Proceedings (October 2005).
4. In the case of pleadings and other documents served thus far in the proceedings, the parties shall comply with paragraph 2 above by 5.00pm on 29 September 2009.
5. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 1(b) above, they shall apply to the Tribunal indicating whether each of the other parties consents or does not consent to the addition of that person.
6. Costs be reserved.
7. There be liberty to apply.

Vivien Rose

Chairman of the Competition Appeal Tribunal

Made: 25 September 2009

Drawn: 25 September 2009

SCHEDULE

PART A

This part contains the names, for each party, of Relevant Advisers:

The Carphone Warehouse Group plc

External counsel

Jon Turner QC

Meredith Pickford (both of Monckton Chambers)

External solicitors

Simon Neill

Douglas Peden

Katherine Kirrage

Zoe Hare (all of Osborne Clarke)

External economists

George Houpis

Martin Duckworth

Robert Francis

Christian Strobel (all of Frontier Economics)

Hugh Kelly

Matthew Morris

Tom Robinson

Matthew Curtis (all of RGL Forensics)

Stephen Wright

Kenjiro Hori (both of Birkberk College, University of London)

British Sky Broadcasting Limited

External solicitors

Stephen Wisking

John McInnes

Grace Aylward (all of Herbert Smith LLP)

Office of Communications

External counsel

Josh Holmes

Alan Bates (both of Monckton Chambers)

External economist

Julian Franks (of the London Business School)

British Telecommunications plc

In-house advisors

Nancy Johnson

Julia Jackson (both of BT Legal department)

Nigel Cheek (General Counsel, Openreach)

External counsel

Tim Ward

Rob Williams (both of Monckton Chambers)

PART B

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser mentioned in Part A of this Order undertakes that they will comply with the following requirements in the following terms:

I, [name], of [firm, company or establishment] being [legal or other qualification] and regulated so far as my professional conduct is concerned by [regulatory body if any] undertake to the Tribunal as follows:

- 1. I will not disclose the Confidential Information (as defined in the Tribunal's order of [_____]) to any person outside those listed in Part A without the consent of the person originally disclosing the information or the permission of the Tribunal.
- 2. I will use the Confidential Information only for the purpose of these proceedings (and for no other proceedings or use).
- 3. The documents containing the Confidential Information will remain in my custody or the custody of the other Relevant Advisers at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
- 4. The production of further copies by me of the documents containing the Confidential Information shall be limited to those required for the use of the Relevant Advisers for the purposes of these proceedings.
- 5. Any copies and the documents in paper form containing the Confidential Information will be returned to the party originally disclosing the documents at the conclusion of the present proceedings; any copies and the documents containing the Confidential Information in electronic form will either be returned where possible or where that is not possible will be rendered inaccessible from any computer system, disk or device so that it is not readily available to any person.
- 6. Save that none of the requirements listed at paragraphs 1 to 4 above shall prevent Relevant Advisers from disclosing to the party advised by them information which such party has already seen.

Signed:

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Name

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Date