



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1112/3/3/09

BETWEEN

CABLE & WIRELESS UK

Appellant

- supported by -

VERIZON UK 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 Cable & Wireless UK, Office of Communications, British Telecommunications plc and Verizon UK Limited at a case management conference on 1 October 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 5 October 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. There be liberty to apply.

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 1 October 2009
Drawn: 1 October 2009

SCHEDULE

PART A

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

Cable & Wireless UK

External solicitors

Tom Cassels

Keith Jones

Richard Pike

Matthew Totman

Laura Carlisle (all of Baker & McKenzie LLP)

External economists

Derek Ridyard

Gordon Cookson

Mathew Stalker (all of RBB Economics LLP)

External accountants

Hugh Kelly

Tom Robinson

Richard Cameron-Williams (all of RGL Forensics)

Office of Communications

External counsel

Paul Harris

Ewan West

Josh Holmes

Paul Stuart

Alan Bates (all of Monckton Chambers)

British Telecommunications plc

In-house advisors

Jeff Ryen (of BT Legal)

External counsel

Tim Ward

Robert Palmer (both of Monckton Chambers)

Verizon UK Limited

External solicitors

Paul Brisby

Bailey Ingram

Domhnall Dods (all of Towerhouse Consulting LLP)

External economist

Edward Rushton (of Towerhouse Consulting LLP)

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