



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1113/3/3/09

BETWEEN:

- (1) **CABLE AND WIRELESS UK**
(2) **THE CARPHONE WAREHOUSE GROUP PLC**
(3) **GAMMA TELECOM LIMITED**

Appellants

- v -

OFFICE OF COMMUNICATIONS

Respondent

- and -

BRITISH TELECOMMUNICATIONS PLC

Intervener

ORDER

UPON the Appellant filing a Notice of Appeal on 4 September 2009 under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. 2003 No. 1372) (“the appeal”) alleging certain errors in the determination made by the Office of Communications (“OFCOM”) contained in a document dated 6 July 2009 and entitled “Dispute about per-customer line transaction charges for Carrier Pre-Selection – Further statement” (“the Determination”);

AND UPON OFCOM indicating in its letter of 6 October 2009 that it accepted that there was an error in the Determination in that OFCOM failed to consider the question of competitive distortion;

AND UPON OFCOM indicating further in a letter of 3 November 2009 that it proposed to re-determine the matters in dispute within four months of the date of this Order, after it had considered the question of competitive distortion;

AND UPON the parties indicating in correspondence that they have agreed a timetable for the procedure to be followed by OFCOM in carrying out the re-determination and that they are content for the appeal to be stayed

IT IS ORDERED BY CONSENT THAT:

1. The appeal be stayed until further order
2. The parties shall write to the Tribunal no later than 21 days following OFCOM's re-determination of the matters in dispute with their proposals for the further conduct of the appeal
3. Costs be reserved
4. There be liberty to apply

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 16 November 2009
Drawn: 16 November 2009