



Neutral Citation: [2006] CAT 27

**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No. 1027/2/3/04

Victoria House,
Bloomsbury Place,
London WC1A 2EB

1 November 2006

Before:
MARION SIMMONS QC
(Chairman)

Sitting as a Tribunal in England and Wales

BETWEEN:

VIP COMMUNICATIONS LIMITED
(in administration)

Appellant

- v -

OFFICE OF COMMUNICATIONS

Respondent

Supported by

T-MOBILE (UK) LIMITED

Intervener

Transcribed from the Shorthand notes of
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Mr. Brian Kennelly (instructed by Bankside) appeared for the Applicant.

Miss Anneli Howard (instructed by the Director of Telecommunications and Competition Law, Office of Communications) appeared for the Respondent.

Mr. Meredith Pickford (instructed by Miss Robyn Durie, Regulatory Counsel, T-Mobile) appeared on behalf of the Intervener.

RULING: Costs

1 THE CHAIRMAN:
2

3 1 I order that the reasonable costs thrown away by the provision of the document
4 which was headed "Re-amended Notice of Appeal" and dated 23rd October 2006 be
5 paid by the Appellant to OFCOM. Pursuant to Rule 55(3) of the Competition
6 Appeal Tribunal Rules 2003 (SI 2003/1372), the amount to be paid be subject to
7 detailed assessment by the Tribunal in the absence of agreement.
8

9 2 I do not order that the Appellant pay any of T-Mobile's costs. T-Mobile is an
10 Intervener. It decided that it was in its interests to come here today. It has not
11 added anything to Ofcom, who could quite appropriately have dealt with it today,
12 and in fact did deal with it appropriately. In those circumstances there is nothing
13 exceptional in this case which requires the Appellant to pay the Intervener's costs.
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