



COMPETITION APPEAL TRIBUNAL

NOTICE OF APPEAL UNDER SECTION 192 OF THE COMMUNICATIONS ACT 2003

CASE: 1080/3/3/07

Pursuant to rule 15 of the Competition Appeal Tribunal Rules 2003 (“the Rules”), the Registrar gives notice of the receipt of an appeal on 5 April 2007, under section 192 of the Communications Act 2003 (“the Act”) by Orange Personal Communications Services Limited (“the appellant”) against a decision (“the Decision”) by the Office of Communications (“OFCOM”) to accept, pursuant to section 186 of the Act, the reference of an alleged dispute between the appellant and British Telecommunications plc (“BT”) in connection with the charges that the appellant makes for terminating calls on its mobile communications networks. The Decision was notified to the appellant on 9 February 2007 and published on 12 February 2007.

In summary the principal grounds of appeal on which the appellant relies are that:

- (a) In accepting BT’s dispute reference in relation to the appellant, OFCOM erred in law in deciding that a dispute existed between BT and the appellant in relation to the appellant’s mobile call termination charges for the purposes of section 185-191 of the Act;
- (b) Without prejudice to (a), in the event that a dispute did exist between the appellant and BT with respect to those matters at the time of the Decision or at all, OFCOM erred in law in deciding that it was appropriate for it to handle the alleged dispute;
- (c) With respect to the scope of the dispute as notified to the appellant on 9 February 2007, and without prejudice to (a), OFCOM erred in law insofar as it has decided that the end-to-end connectivity obligation imposed on BT on 13 September 2006 was a relevant consideration.

The appellant seeks an order that:

- (a) OFCOM decline to pursue the alleged dispute further on the grounds that it ought not to have decided either that there was a dispute or that it was appropriate to handle the dispute under section 186(2) of the Act; alternatively
- (b) OFCOM should declare the rights and obligations of the parties to be as presently set out in BT’s Standard Interconnect Agreement and as agreed between BT and the appellant on 10 July 2006.

Any person who considers that he has sufficient interest in the outcome of the proceedings may make a request for permission to intervene in the proceedings, in accordance with rule 16 of the Rules.

A request for permission to intervene should be sent to the Registrar, The Competition Appeal Tribunal, Victoria House, Bloomsbury Place, London, WC1A 2EB, so that it is received within **three weeks** of the publication of this notice.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by post at the above address or by telephone (020 7979 7979) or fax (020 7979 7978). Please quote the case number mentioned above in all communications.

Charles Dhanowa OBE
Registrar

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