

IN THE COMPETITION APPEAL TRIBUNAL

BETWEEN:

**ALBION WATER LIMITED
ALBION WATER GROUP LIMITED**

Appellants

-v-

WATER AUTHORITY REGULATION AUTHORITY

Respondent

-and-

**DWR CYMRU CYFYNGEDIG
UNITED UTILITIES WATER PLC**

Interveners

**UNITED UTILITIES' SKELETON ARGUMENT
FOR CMC LISTED FOR 13th FEBRUARY 2009**

1. These submissions are lodged pursuant to the letter from the Tribunal dated 18th December 2008, as subsequently amended following discussions with the Registry in the week of 26th January 2009.
2. A further CMC in this matter has been listed for hearing on Friday 13th February 2009. It would appear from the correspondence that at that CMC, two applications will be heard as to further action to be taken. The applications are made by Dwr Cymru and Albion Water Limited.

3. As can be seen from the face of those applications, there is a debate between the two applicants as to what course of action should be taken following the most recent judgment of the Tribunal dated 7th November 2008.
4. The debate essentially concerns the two applicants. Accordingly, United Utilities does not seek at this stage to make any submissions on those applications, save to agree with Dwr Cymru as to the ambit of the Tribunal's judgments – they concern the Authority's decision of 26th May 2004 which solely related to the issue of common carriage services offered by Dwr Cymru to Albion.
5. In the premises, United Utilities makes no other submission at this stage on the applications, as they properly concern the applicants themselves and to a lesser degree the authority. However, having been invited to attend the CMC, it is happy so to do and to assist the Tribunal if it can.

Brick Court Chambers
7 – 8 Essex Street
London WC2R 3LD

FERGUS RANDOLPH

3RD FEBRUARY 2009