

IN THE COMPETITION APPEAL TRIBUNAL

Case: 1047/3/3/04

Before: Mr Justice Mann (Chairman) Mr Adam Scott TD Professor Paul Stoneman

HUTCHISON 3G (UK) LIMITED

Appellant

-and-

THE OFFICE OF COMMUNICATIONS

Respondent

Supported by

BRITISH TELECOMMUNICATIONS PLC

Intervener

ORDER

UPON considering that Tribunal's Judgment handed down on 29 November 2005 [2005] CAT 39 ("the Judgment")

AND UPON reading the submissions of the Appellant and Respondent as to the appropriate consequential directions

AND UPON hearing counsel for the parties at a hearing on 16 December 2005

BY CONSENT IT IS ORDERED THAT:

1. The Respondent's decision dated 1 June 2004 is remitted to the Respondent for reconsideration as to whether the Appellant has significant market power in the market for mobile wholesale voice call termination on the Appellant's network taking into account the extent to which countervailing buyer power exists in the Intervener and any other matters as are relevant at the time of the Respondent's reconsideration;

Made: 16 December 2005

Drawn: 10 March 2006

- 2. The Respondent's reconsideration shall take account of the Judgment.
- 3. There be general liberty to apply.

Mr Justice MannChairman of the Competition Appeal Tribunal