

IN THE COMPETITION
APPEAL TRIBUNAL

Case No 1024/2/3/04

Victoria House,
Bloomsbury Place,
London WC1A 2EB

31st August 2006

Before:
MARION SIMMONS QC
(Chairman)

Sitting as a Tribunal in England and Wales

BETWEEN:

FLOE TELECOM LIMITED
(In administration)

Appellant

supported by

WORLDWIDE CONNECT (UK) LIMITED

Intervener

and

OFFICE OF COMMUNICATIONS

Respondent

supported by

VODAFONE LIMITED
T-MOBILE (UK) LIMITED

Interveners

Transcribed from the Shorthand notes of
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PROCEEDINGS AFTER
JUDGMENTS HANDED DOWN

APPEARANCES

Mr. Edward Mercer (of Taylor Wessing) appeared for the Appellant.

Mr. David Allen Green (of Taylor Wessing) appeared for Worldwide Connect Limited.

Ms. Lélia Maïou (of the legal department, Office of Communications) appeared for the Respondent.

Mr. Stephen Wisking (of Herbert Smith) appeared for Vodafone Limited.

T-Mobile (UK) Limited did not appear and was not represented.

1 THE CHAIRMAN:

2
3 1 I am handing down this morning two Decisions. The first is Floe's appeal against Ofcom's
4 Decision dated 28th June 2005; and the second is the Tribunal's assessment of costs pursuant to
5 its order of 1st December 2004.

6
7 2 The Tribunal dismisses the Appeal against Ofcom's decision dated 28th June 2005 and
8 confirms Ofcom's Decision that Vodafone had not abused a dominant position when
9 disconnecting Floe's SIM cards. In reaching our Judgment we have made findings on the list
10 of issues which have been agreed by the parties which, in certain respects, differ from the
11 position set out in Ofcom's Decision. Our full reasons are set out in the Judgment being
12 handed down and a summary of the reasons can be found at paras. 11 – 14 of our Judgment.

13
14 3 Turning to the Tribunal's assessment of the costs pursuant to our order of 1st December 2004,
15 the Tribunal assesses the additional costs at £6,000.

16
17 4 The Tribunal's reasons are set out in the Ruling which I am now handing down. Insofar as
18 the Tribunal's Decision in the Appeal against the Decision of Ofcom of 28th June 2005
19 requires further directions the hearing of the case management conference will take place on
20 13th September 2006 at 10.30.

21
22 5 Pending our Judgment in the Floe case, VIP Communications (in administration) v Ofcom has
23 been stayed. On 13th September 2006 there will also be a case management conference in the
24 VIP case, particularly to consider the implications of the Tribunal's Decision in Floe on the
25 VIP Appeal and to give such directions as are appropriate for the hearing of that Appeal.

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27 I assume there are no applications today? Thank you very much for coming.
28
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