



IN THE COMPETITION
APPEAL TRIBUNAL

B E T W E E N :

Case No.: 1206/3/3/13

- (1) CABLE & WIRELESS WORLDWIDE PLC (“CWW”)**
(2) VIRGIN MEDIA LIMITED (“Virgin”)
(3) VERIZON UK LIMITED (“Verizon”)

Appellants

- and -

OFFICE OF COMMUNICATIONS (“Ofcom”)

Respondent

- supported by -

BRITISH TELECOMMUNICATIONS PLC (“BT”)

Intervener

ORDER

UPON hearing the appeal in the above proceedings between 29 October 2013 and 22 November 2013

AND UPON handing down its main judgment in these proceedings on 1 August 2014 ([2014] CAT 14) (the “Judgment”)

AND UPON reading the written submissions of the parties as to: (a) the directions to be made to give effect to the Judgment; (b) costs; and (c) applications for permission to appeal

AND UPON handing down its supplementary judgment in these proceedings on 4 December 2014 ([2014] CAT 20) (the “Supplementary Judgment”)

AND UPON handing down the judgment amending the Supplementary Judgment in these proceedings on 10 December 2014 ([2014] CAT 21)

IT IS ORDERED THAT:

1. CWW, Virgin and Verizon's (the "Altnets") appeal be allowed.
2. The following matters be remitted to Ofcom pursuant to section 195(4) of the Communications Act 2003 for it to determine, as soon as reasonably practicable, in accordance with the Judgment and the Supplementary Judgment:
 - (a) the rate of interest payable in respect of BT's overcharge for Ethernet services; and
 - (b) the total amount payable as between BT and the Altnets.
3. BT pay:
 - (a) 75% of the costs incurred by the Altnets in their appeal after 23 May 2013; and
 - (b) the costs incurred by Ofcom in relation to the Altnets' appeal after 27 June 2013.
4. The costs referred to in paragraph 3 above be the subject of detailed assessment on the standard basis by a costs officer of the Senior Court Costs Office, if not agreed.
5. BT's application for permission to appeal the decision in the Judgment as regards the Altnets' appeal be refused.

The Honourable Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 10 December 2014
Drawn: 10 December 2014