



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1111/3/3/09

BETWEEN

THE CARPHONE WAREHOUSE GROUP PLC

Appellant

- supported by -

BRITISH SKY BROADCASTING LIMITED

Intervener

- v -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

BRITISH TELECOMMUNICATIONS PLC

Intervener

ORDER

UPON reading the application to re-amend its Notice of Appeal (“the Application”) lodged by the Carphone Warehouse Group plc (“CPW”) under rule 11 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”) on 7 December 2009, and there being no objection to that Application

AND UPON considering the Tribunal’s Order of 27 November 2009 referring to the Competition Commission (“the Commission”) for its determination the specified price control matters arising in this appeal (“the price control matters”)

AND UPON considering the non-price control matters raised in CPW’s appeal contained in paragraphs 69 to 75 of the amended Notice of Appeal (“the non-price control matters”)

AND UPON considering the procedural timetable for the proceedings proposed by the parties contained in a letter from the Office of Communications (“OFCOM”) of 14 December 2009

AND UPON reading the letter from the Commission of 15 December 2009 setting out its views on the proposed timetable

IT IS ORDERED THAT:

1. CPW be granted permission to re-amend its Notice of Appeal in the form of the draft amended notice of appeal filed with the Tribunal on 7 December 2009
2. In relation to the proceedings
 - (a) OFCOM file and serve (on all parties and the Commission) an amended Defence on the price control matters by 4pm on 8 January 2010
 - (b) OFCOM file and serve (on all parties and the Commission) an amended Defence, together with any supporting documents and evidence, on the non-price control matters by 4pm on 29 January 2010
 - (c) If so advised, the Interveners file and serve (on all parties and the Commission) their amended Statements of Intervention and/or additional evidence on the price control matters and/or non-price control matters by 4pm on 2 February 2010
 - (d) If so advised, CPW file and serve (on all parties and the Commission) any reply, together with any supporting documents and evidence, on the non-price control matters by 26 February 2010
 - (e) CPW file and serve its skeleton argument on the non-price control matters by 4pm on 3 March 2010
 - (f) If so advised, British Sky Broadcasting Limited file and serve its skeleton argument on the non-price control matters by 4pm on 5 March 2010
 - (g) OFCOM and, if so advised, British Telecommunications plc file and serve their skeleton arguments on the non-price control matters by 4pm on 10 March 2010

- (h) The parties prepare an agreed bundle of documents to serve as the core bundle for the hearing and an agreed joint bundle of authorities to be referred to at the hearing with key sections flagged for reference
 - (i) The parties file six copies of the agreed bundle of documents and bundle of authorities by 4pm on 18 March 2010
- 3. A hearing be listed for 25 March 2010 with a time estimate of 2 days, with a day in reserve
- 4. Costs be reserved
- 5. There be liberty to apply

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 16 December 2009
Drawn: 17 December 2009