



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1111/3/3/09
1149/3/3/09

B E T W E E N:

THE CARPHONE WAREHOUSE GROUP PLC

Appellant

- supported by -

BRITISH SKY BROADCASTING LIMITED

Intervener

- v -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

BRITISH TELECOMMUNICATIONS PLC

Intervener

CONSENT ORDER

UPON reading the decisions of the Office of Communications (“OFCOM”) dated 22 May 2009 (“the LLU Decision”) and 26 October 2009 (“the WLR Decision”) imposing charge controls on copper access services provided by Openreach

AND UPON reading the request for a consent order filed by the parties on 24 March 2010 pursuant to rule 57 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”)

AND UPON reading the exchange of letters containing the terms on which the Parties have agreed to settle the non-price control matters as defined herein

AND UPON reading the consent order impact statement and a statement signed by the legal representatives for the parties to the proceedings requesting that an order be made in the form of the draft consent order

AND UPON the Tribunal being satisfied that the proposed consent order will not have a significant effect on competition for the purposes of rule 57(4) of the Tribunal Rules

AND UPON hearing counsel for the parties at a hearing on 25 March 2010

IT IS ORDERED BY CONSENT THAT:

1. The Appellant be given permission to withdraw the grounds of appeal contained in paragraphs 29.1, 30, and 69-75 of its Notice of Appeal dated 21 July 2009 (as amended on 17 December 2009) against the LLU Decision, and in paragraphs 7.2 and 74-75 of its Notice of Appeal dated 23 December 2009 against the WLR Decision (“the non-price control matters”)
2. The hearing of the non-price control matters be vacated
3. The Parties shall bear their own costs in respect of the non-price control matters

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 26 March 2010
Drawn: 26 March 2010