



IN THE COMPETITION
APPEAL TRIBUNAL

Case Numbers: 1151/3/3/10
1168/3/3/10
1169/3/3/10

BETWEEN:

BRITISH TELECOMMUNICATIONS PLC
EVERYTHING EVERYWHERE LIMITED

Appellants

- v -

OFFICE OF COMMUNICATIONS

Respondent

EVERYTHING EVERYWHERE LIMITED
VODAFONE LIMITED
TELEFONICA O2 UK LIMITED
HUTCHISON 3G UK LIMITED

Interveners (Case 1151)

BRITISH TELECOMMUNICATIONS PLC
EVERYTHING EVERYWHERE LIMITED
VODAFONE LIMITED
TELEFONICA O2 UK LIMITED
HUTCHISON 3G UK LIMITED
OPAL TELECOM LTD
CABLE & WIRELESS UK

Proposed Interveners
(Cases 1168 and 1169)

ORDER

UPON reading the notices of appeal lodged under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”) by:

- (1) British Telecommunications plc (“BT”) against the determination made by the Office of Communications (“Ofcom”) contained in a document dated 5 February 2010 and entitled “Determination to resolve a dispute between BT and each of T-Mobile, Vodafone, O2 and Orange about BT’s termination charges for 080 calls” (“Case 1151”); and

- (2) Each of Everything Everywhere Limited (“EE”) and BT against the determination made by Ofcom contained in a document dated 10 August 2010 and entitled “Determination to resolve a dispute between BT and each of Vodafone, T-Mobile, H3G, O2, Orange and Everything Everywhere about BT’s termination charges for 0845 and 0870 calls” (respectively, “Case 1168” and “Case 1169”)

AND UPON the Tribunal having made case management directions in respect of Case 1151 by Orders of the Tribunal dated 13 May 2010 and 23 July 2010

AND UPON the Tribunal having abridged time for lodging any requests for permission to intervene in Cases 1168 and 1169 by Order dated 21 October 2010

AND UPON reading the requests for permission to intervene in Cases 1168 and 1169 from:

- (1) BT dated 27 October 2010;
- (2) EE dated 28 October 2010;
- (3) Telefónica O2 UK Limited (“O2”) dated 28 October 2010;
- (4) Vodafone Limited (“Vodafone”) dated 29 October 2010;
- (5) Hutchison 3G UK Limited (“Three”) dated 1 November 2010;
- (6) Opal Telecom Ltd (“Opal”) dated 1 November 2010; and
- (7) Cable & Wireless UK (“C&W”) dated 1 November 2010;

collectively “the Interveners”

AND UPON reading the observations and submissions of the parties and those of the Interveners filed in advance of the case management conference

AND UPON hearing counsel for the parties and the Interveners at a case management conference on 3 November 2010

IT IS ORDERED THAT:

1. Pursuant to rule 18 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales.
2. The Interveners be granted permission to intervene in Cases 1168 and 1169.
3. The parties and the Interveners formulate and agree between themselves arrangements for the disclosure of information contained in the pleadings and supporting material for which confidentiality is claimed in each of Cases 1151, 1168 and 1169, and submit the agreed arrangements to the Tribunal in the form of an agreed draft order as soon as possible, and in any event no later than 4pm on 5 November 2010.

4. The hearing of Case 1151 listed for 10 January 2011 be vacated and the other directions contained in the Tribunal's Orders of 13 May 2010 and 23 July 2010, to the extent that they have not already been complied with, be repealed.
5. A substantive hearing of the appeals in Cases 1151, 1168 and 1169 be listed consecutively for 4 April 2011 with a time estimate of 13 days.
6. In relation to that hearing:
 - (1) Ofcom file and serve its defence and any supporting evidence in relation to Cases 1168 and 1169 by 7 January 2011.
 - (2) The Interveners file and serve their statements of intervention and any supporting evidence in relation to Cases 1168 and 1169 by 26 January 2011.
 - (3) BT and EE respectively file and serve consolidated replies by 22 February 2011.
 - (4) BT and EE file and serve their skeleton arguments by 1 March 2011.
 - (5) Ofcom file and serve its skeleton argument by 15 March 2011.
 - (6) The remaining Interveners file and serve their skeleton arguments by 22 March 2011.
7. Costs be reserved.
8. There be liberty to apply.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 3 November 2010
Drawn: 4 November 2010