



IN THE COMPETITION
APPEAL TRIBUNAL

Case Numbers: 1180/3/3/11
1181/3/3/11
1182/3/3/11
1183/3/3/11

BETWEEN:

BRITISH TELECOMMUNICATIONS PLC
EVERYTHING EVERYWHERE LIMITED
HUTCHISON 3G UK LIMITED
VODAFONE LIMITED

Appellants

- v -

OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON reading the notices of appeal, each dated 16 May 2011, lodged under rule 8 of The Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”) against the determination made by the Office of Communications (“Ofcom”) contained in a document dated 15 March 2011 and entitled “Wholesale mobile voice call termination” (“the Determination”) by:

- (1) British Telecommunications plc (“BT”);
- (2) Vodafone Limited (“Vodafone”);
- (3) Hutchison 3G UK Limited (“Three”); and
- (4) Everything Everywhere Limited (“EE”),

collectively, “the Appellants”;

AND UPON reading the requests for permission to intervene from:

- (1) Three dated 27 May 2011;
- (2) Telefónica UK Limited (“Telefónica”) dated 27 May 2011,
- (3) EE dated 2 June 2011;
- (4) Vodafone dated 3 June 2011; and

(5) BT dated 7 June 2011,
collectively, “the Interveners”;

AND UPON reading the observations and submissions of the parties, the Interveners and the Competition Commission filed in advance of the case management conference;

AND UPON hearing counsel for the parties, the Interveners and the Competition Commission at a case management conference on 13 June 2011;

IT IS ORDERED THAT:

1. Pursuant to rule 17 of the Tribunal Rules, the proceedings in cases 1180/3/3/11, 1181/3/3/11, 1182/3/3/11 and 1183/3/3/11 be consolidated.
2. Pursuant to rule 18 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales.
3. The Interveners be granted permission to intervene in the proceedings.
4. In relation to the proceedings before the Tribunal:
 - a. The Appellants file and serve any applications to amend their respective notices of appeal pursuant to rule 11 of the Tribunal Rules by 24 June 2011;
 - b. The parties provide to the Tribunal by 27 June 2011 an agreed draft of the questions to be referred to the Competition Commission for determination in accordance with section 193 of the Communications Act 2003 and rule 5 of The Competition Appeal Tribunal (Amendment and Communications Act Appeals) Rules 2004 (SI 2004 No. 2068) or, in the absence of such agreement, inform the Tribunal of the outstanding issues for the Tribunal to resolve;
 - c. The Interveners file and serve any statements of intervention in support of the Appellants by 15 July 2011;
 - d. Ofcom file and serve its defence by 19 August 2011;
 - e. The Interveners file and serve any statements of intervention in support of Ofcom by 9 September 2011.
5. There be liberty to apply.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 13 June 2011
Drawn: 15 June 2011