



IN THE COMPETITION
APPEAL TRIBUNAL

Case Numbers: 1186/3/3/11
1187/3/3/11

BETWEEN:

TALKTALK TELECOM GROUP PLC

Appellant

- v -

OFFICE OF COMMUNICATIONS

Respondent

BRITISH TELECOMMUNICATIONS PLC

Appellant

- v -

OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON reading the notices of appeal, both dated 19 September 2011, lodged under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”) against the decision made by the Office of Communications (“OFCOM”) contained in a document dated 20 July 2011 and entitled “WBA Charge Control” (“the Determination”) by TalkTalk Telecom Group plc (“TalkTalk”) and British Telecommunications plc (“BT”)

AND UPON reading the requests for permission to intervene from:

- (1) TalkTalk, dated 12 October 2011, seeking permission to intervene in case number 1187/3/3/11 (“the BT appeal”)
- (2) BT, dated 13 October 2011, seeking permission to intervene in case number 1186/3/3/11 (“the TalkTalk appeal”)
- (3) British Sky Broadcasting Limited (“Sky”), dated 13 October 2011, seeking permission to intervene in the BT and TalkTalk appeals

AND UPON reading the written observations of the parties, Sky, and the Competition Commission filed in advance of the case management conference

AND UPON hearing counsel for the parties, Sky and the Competition Commission at a case management conference on 17 October 2011

IT IS ORDERED THAT:

1. Pursuant to rule 18 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales
2. As regards the requests for permission to intervene:
 - a. Each of TalkTalk and BT be granted permission to intervene in the other’s appeals
 - b. Sky be granted permission to intervene in the TalkTalk and BT appeals
3. The Interveners liaise with one another and with OFCOM as appropriate so as to ensure that there is no unnecessary duplication as between their written or oral submissions
4. In relation to the TalkTalk appeal:
 - a. The skeleton arguments of OFCOM and the Interveners are to stand respectively in lieu of the defence and statements of intervention
 - b. OFCOM file and serve its skeleton argument by 5pm on 1 November 2011
 - c. If so advised, the Interveners file and serve their skeleton arguments by 5pm on 7 November 2011

- d. TalkTalk file and serve its skeleton argument, incorporating any points in reply, by 5pm on 21 November 2011
 - e. A hearing be listed for 5 December 2011 commencing at 10.30am, with a time estimate of one and a half days (with half a day in reserve)
5. In relation to the BT appeal:
- a. The parties provide to the Tribunal Registry by 5pm on 25 October 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 (S.I. No. 2068 of 2004) or, in the absence of such agreement, inform the Tribunal of the outstanding matters for the Tribunal to resolve
 - b. Any statements of intervention in support of BT be filed and served by 5pm on 18 November 2011
 - c. OFCOM file and serve its defence by 5pm on 2 December 2011
 - d. Any statements of intervention in support of OFCOM be filed and served by 5pm on 23 December 2011
6. There be liberty to apply

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 17 October 2011
Drawn: 18 October 2011