



IN THE COMPETITION
APPEAL TRIBUNAL

Case Number: 1187/3/3/11

BETWEEN:

BRITISH TELECOMMUNICATIONS PLC

Appellant

- and -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

BRITISH SKY BROADCASTING LIMITED
TALKTALK TELECOM GROUP PLC

Interveners

ORDER

UPON British Telecommunications plc (“BT”) filing a Notice of Appeal dated 19 September 2011 pursuant to section 192(2) of the Communications Act 2003 (the “2003 Act”) against aspects of the decision made by the Office of Communications contained in a document dated 20 July 2011 and entitled “WBA Charge Control”

AND UPON the Tribunal referring certain questions in respect of specified price control matters (the “Reference Questions”) to the Competition Commission for determination by an order made on 2 November 2011 pursuant to section 193(1) of the 2003 Act and rule 3 of the Competition Appeal Tribunal (Amendment and Communications Act Appeals) Rules 2004 (S.I. 2004/2068)

AND UPON the Competition Commission notifying the Tribunal of its final determination of the Reference Questions (the “Determination”) on 11 June 2012 pursuant to section 193(4) of the 2003 Act

AND UPON BT notifying the Tribunal, by letter dated 19 June 2012, that it did not intend to challenge the Determination under section 193(7) of the 2003 Act and requesting that the appeal be dismissed pursuant to sections 193(6) and 195(2) of the 2003 Act, and there being no objections to that request

IT IS ORDERED THAT:

1. In accordance with the Determination, and pursuant to sections 193(6) and 195(2) of the 2003 Act, the appeal be dismissed.
2. Any applications in respect of costs be filed and served within 28 days of the date of this Order.
3. Any submissions in reply to an application made under paragraph 3 of this Order be filed and served within 14 days of the date of that application.
4. There be liberty to apply.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 22 June 2012
Drawn: 22 June 2012