



Neutral citation: [2016] CAT 4

**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case Number: 1238/3/3/15

B E T W E E N :

**BRITISH TELECOMMUNICATIONS PLC**

Appellant

**-v-**

**OFFICE OF COMMUNICATIONS**

Respondent

**-and-**

**SKY UK LIMITED**  
**TALKTALK TELECOM GROUP PLC**

Interveners

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**ORDER (TIME FOR SEEKING PERMISSION TO APPEAL)**

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**UPON** considering the decision of the Office of Communications (“Ofcom”) contained in its Statement entitled “Fixed Access Market Reviews: Approach to the VULA margin” dated 19 March 2015 (“the Decision”)

**AND UPON** considering the Tribunal’s order of 5 January 2016 referring certain specified price control matters identified in Grounds 2-5 of British Telecommunications Plc’s (“BT”) Amended Notice of Appeal (“Am NoA”) to the Competition and Markets Authority (“CMA”) with directions to determine the reference within six months

**AND UPON** considering the Tribunal's judgment handed down on 24 March 2016 in relation to Ground 1 of BT's Am NoA, dealing with the non-specified price control matters in this appeal ([2016] CAT 3) ("the Judgment")

**AND UPON** reading the application from BT dated 1 April 2016 for an extension of the time for requesting permission to appeal the Judgment ("the Application")

**AND UPON** Ofcom informing the Tribunal on 8 April 2016 that it opposes the Application

**IT IS ORDERED THAT:**

1. The Application be granted and any application for permission to appeal the Judgment be extended until one month from the date the Tribunal finally disposes of the appeal by notifying the parties of its decision on Grounds 2 to 5.
2. There be liberty to apply.

**REASONS**

Whilst the Tribunal has determined Ground 1 of BT's Am NoA in the Judgment, Grounds 2-5 remain to be determined by the Tribunal. The Tribunal is of the view that the appropriate time for seeking permission to appeal against the Judgment is once all the Grounds of BT's appeal have been decided. This will promote efficiency and will enable the Tribunal to consider whether permission to appeal should be granted by reviewing the outcome of the appeal in its entirety, rather than on a piecemeal basis. Moreover, although I note Ofcom's opposition to the Application, little prejudice will be caused by the extension for the period sought. Accordingly, the Application is granted.

**Andrew Lenon QC**  
Chairman of the Competition Appeal Tribunal

Made: 8 April 2016  
Drawn: 8 April 2016