



THE COMPETITION
APPEAL TRIBUNAL

B E T W E E N :

Case No.1260/3/3/16

BRITISH TELECOMMUNICATIONS PLC (“BT”)

Appellant

- and -

OFFICE OF COMMUNICATIONS

Respondent

-and-

**CP GROUP (TALKTALK TELECOM GROUP PLC, VODAFONE LIMITED, COLT
TECHNOLOGY SERVICES AND HUTCHISON 3G UK LIMITED)**

VIRGIN MEDIA LIMITED

GAMMA TELECOM HOLDINGS LIMITED

CITYFIBRE INFRASTRUCTURE HOLDINGS PLC

Interveners

Case No.1261/3/3/16

CITYFIBRE INFRASTRUCTURE HOLDINGS PLC (“CityFibre”)

Appellant

- and -

OFFICE OF COMMUNICATIONS

Respondent

-and-

**CP GROUP (TALKTALK TELECOM GROUP PLC, VODAFONE LIMITED, COLT
TECHNOLOGY SERVICES AND HUTCHISON 3G UK LIMITED)**

GAMMA TELECOM HOLDINGS LIMITED

BRITISH TELECOMMUNICATIONS PLC

Interveners

ORDER

UPON reading the papers filed with the Tribunal

AND UPON:

- (1) The Respondent applying for permission to adduce the second expert report of Mr David Matthew dated 2 March 2017 and the second expert report of Mr Thomas Reynolds dated 2 March 2017
- (2) BT applying for permission to adduce the third witness statement of Mr Mark Logan dated 23 March 2017, the third expert report of Dr Daniel Maldoom dated 23 March 2017, and the fourth expert report of Dr Daniel Maldoom dated 28 March 2017
- (3) Virgin Media Limited applying for permission to adduce the third witness statement of Mr Duncan Higgins dated 9 March 2017
- (4) CityFibre applying for permission to adduce the second witness statement of Mr Mark Collins dated 21 March 2017 and third statement of Mr Mark Collins dated 27 March 2017

AND UPON there being no objection to the applications to adduce further evidence listed in the second recital (“the Applications to Adduce Further Evidence”)

AND HAVING REGARD TO the Competition and Markets Authority’s provisional determination of the reference under section 193 of the Communications Act 2003 of the specified price control matters in Case 1261/3/3/16 *CityFibre Infrastructure Holdings plc v Office of Communications* and in Case 1259/3/3/16 *TalkTalk Telecom Group plc v Office of Communications* dated 27 February 2017 (“the Provisional Determination”)

AND UPON hearing the legal representatives of the Appellants, Respondent and Interveners, including as to the relevance of the Provisional Determination, at a pre-trial review on 23 January 2017

IT IS ORDERED THAT:

1. The Applications to Adduce Further Evidence be granted without prejudice to any argument that material contained therein falls outside the scope of the appeals.
2. There be liberty to apply.

The Honourable Mr Justice Snowden
Chairman of the Competition Appeal Tribunal

Made: 29 March 2017
Drawn: 6 April 2017