



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1426/3/3/21

BETWEEN:

CITYFIBRE LIMITED

Appellant

- v -

OFFICE OF COMMUNICATIONS

Respondent

- and -

BRITISH TELECOMMUNICATIONS PLC

Intervener

ORDER

UPON reading the Notice of Appeal filed by the Appellant on 29 November 2021 under section 192 of the Communications Act 2003 (“the Appeal”)

AND UPON reading the requests to intervene from British Telecommunications plc (“BT”), Sky UK Limited (“Sky”) and a group of alternative network providers comprised of County Broadband Limited, Jurassic Fibre Limited, Swish Fibre Limited and Zzoomm plc (“the Altnets”) (together “the Proposed Interveners”) filed respectively on 22, 23 and 29 December 2021

AND UPON reading the Defence filed by the Respondent on 25 January 2022

AND UPON reading the Skeleton Arguments filed by the parties and the Proposed Interveners on 28 January 2022

AND UPON hearing counsel for the Appellant, the Respondent, and the Proposed Interveners at a case management conference held remotely on 4 February 2022

IT IS ORDERED THAT:

Forum

1. Pursuant to Rule 18 of the Competition Appeal Tribunal Rules 2015 (“the Rules”) the Appeal shall be treated as proceedings in England and Wales.

Interventions

2. Permission to intervene shall be granted to BT (“the Intervener”). Such intervention shall be strictly limited to the grounds set out in the Notice of Appeal.
3. Permission to intervene shall be refused in relation to Sky and the Altnets.

Confidentiality

4. A confidentiality ring shall be established by separate Order in terms to be agreed between the parties and the Intervener.

Timetable

5. By 4pm on 28 February 2022, the Intervener shall file and serve its Statement of Intervention and any supporting evidence.
6. By 4pm on 18 March 2022, the Respondent shall file and serve any response to the Statement of Intervention and any supporting evidence; and the Appellant shall file and serve any response to the Statement of Intervention and/or the Respondent’s Defence and any supporting evidence.
7. By 4pm on 11 April 2022, the Appellant shall file six hard copies (printed double sided) and an electronic copy of a trial bundle.
8. By 4pm on 13 April 2022, the Appellant shall file and serve its Skeleton Argument.
9. By 4pm on 28 April 2022, the Respondent shall file and serve its Skeleton Argument.

10. By 4pm on 29 April 2022, the Intervener shall file and serve its Skeleton Argument. The Intervener shall use its best endeavours to ensure that there is no duplication in its submissions (written and oral) with those of the Respondent.
11. By 4pm on 29 April 2022, the Appellant shall file an agreed timetable for the hearing.
12. By 4pm on 6 May 2022, the Appellant shall file six hard copies (printed double sided) and an electronic copy of a joint bundle of authorities.
13. The Appeal shall be heard on 11-12 May 2022 with extended sitting times if needed.

General

14. Costs reserved.
15. Liberty to apply.

Ben Tidswell
Chairman of the Competition Appeal Tribunal

Made: 4 February 2022
Drawn: 8 February 2022