



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1025/3/3/04

BRITISH TELECOMMUNICATIONS PLC

Appellant

-and-

THE OFFICE OF COMMUNICATIONS

Respondent

supported by

THUS PLC AND BROADSYSTEM VENTURES LIMITED

and

NJ ASSOCIATES

Interveners

ORDER

UPON considering the Tribunal's judgment handed down on 9 December 2004

AND UPON reading the written submissions of the parties

AND UPON hearing counsel for the appellant and the respondent at a hearing on 10 March 2005

AND WHEREAS on 10 March 2005 the Tribunal ordered that the appellant and respondent write to the Tribunal by 23 March 2005 indicating whether agreement has been reached between them as to the contents of BT's CPS Notification of Transfer Letter and whether it is permissible, for the purposes of General Condition 1.2, for BT to make a "verification call"

AND WHEREAS on 23 March 2005 the appellant and respondent wrote, in agreed terms, to the Tribunal indicating: (a) that agreement had been reached between them as to the text of a revised CPS Notification of Transfer Letter, the terms of which are set out at the Schedule to this Order; and (b) both parties have agreed that, in view of

further work to be done by OFCOM with the industry it is not necessary for the Tribunal to rule on the question of “verification calls”

AND WHEREAS paragraph 4 of the Tribunal’s order dated 10 March 2005 extended the time limit for applications for permission to appeal from the Tribunal’s judgment until further order and the Tribunal is content to review that issue at the next case management conference in case 1040/3/3/04 *British Telecommunication plc v OFCOM (WLR Save Activity)* once the respondent has issued a new notification to the appellant in that case

IT IS ORDERED THAT:

1. The Tribunal makes no further order in respect of the matters set out at paragraph 2 of the Tribunal’s Order dated 10 March 2005.
2. Costs be reserved.
3. There shall be liberty to apply.

Sir Christopher Bellamy
President of the Competition Appeal Tribunal

Made: 12 April 2005
Drawn: 12 April 2005

SCHEDULE

STANDARDISED_NAME
BEST_ADDRESS_LINE_1
BEST_ADDRESS_LINE_2
BEST_ADDRESS_LINE_3
BEST_ADDRESS_LINE_4
BEST_POSTCODE

Your Account No: [ACCOUNT NO]
Our ref: [xxxx]

[TODAY]

Dear [TITLE] [SURNAME],

We have received an order to transfer all your calls to another telephone company using Carrier Pre-Selection (CPS).

This will affect the telephone number(s) below:

[TELEPHONE1]
[TELEPHONE2]
[TELEPHONE3]

This transfer will take place on dd/mm/yy without any need for further action by you, unless you have requested a later date or this order is cancelled.

If you have not agreed to this transfer please contact us on the number below, and one of our advisors will be happy to help you.

Freephone 0800 [xxx] [xxxx]
(Every day between [x:xx]am and [x:xx]pm.)

USEFUL INFORMATION

There are a number of items of information which you may find useful to know in light of your decision to transfer your calls to another telephone company. These are set out below:

Billing :

You will be billed by your new telephone company for any calls you make over their network. You will receive a separate bill from BT for your line rental (included in your BT Together Option), any calls for which BT remains your telephone services provider and any calls you make using the BT 1280 override code (see below).

BT Together : [FOR CONSUMER CUSTOMERS]

On transfer of your calls to your new telephone company, you may wish to consider which of the BT Together options is the most appropriate for you. Option 1 may be your best option. But please note that if you are on a BT Together option other than Option 1, your option will not automatically change to Option 1 upon your transfer.

Details of your BT Together Option can be found on your most recent BT bill. All options include line rental. Please call us on the Freephone number above if you wish to change your current BT Together Option in the light of your decision to transfer. The best time to do this is on the day of the transfer. **[The preceding sentence is to be included if BT has not put in place a forward diary system to allow requests for change to be post-dated to the transfer date.]**

Call Plans : [FOR BUSINESS AND MAJOR BUSINESS CUSTOMERS]

If you are on one of our call plans, please note that your decision to transfer your calls to another telephone company may impact on your ability to fulfil your contractual commitments under the plan.

Payment Options : [FOR CONSUMER CUSTOMERS]

If you are already on Monthly Payment Plan, please note that your monthly payments will not automatically be reduced on transfer of your calls to another telephone company. You can request an adjustment to the monthly amount or refund by calling us on the Freephone number above.

1280 Override Code :

Should you wish to make any calls over the BT network you can still do so by simply dialling the code “1280” immediately before the rest of the telephone number you are dialling when you make a call.

Any other information:

If you wish to discuss any of the matters set out in this letter, please call us on the Freephone number provided above.

In addition to this letter, under industry agreed procedures, you should also receive a letter from your new telephone company explaining, amongst other things, how to contact them regarding the services they are going to provide. They will also be able to advise you about any impact the transfer may have on existing services such as call barring and about any steps you may need to take in order to continue to receive such services in the future.

We are sorry that you no longer wish to use BT for all of your calls.

[VALEDICTION]

[SIGNATURE]

[NAME]
[TITLE].