



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

**Case No. 1027/2/3/04**

BETWEEN:

**VIP COMMUNICATIONS LIMITED**

Appellant

-v.-

**OFFICE OF COMMUNICATIONS**

Respondent

supported by

**T-MOBILE (UK) LIMITED**

Intervener

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**ORDER**

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**UPON** handing down judgment on the Respondent's application in Case No. 1024/2/3/04 *Floe Telecom Limited (in administration) v OFCOM* to set aside paragraphs 2 and 3 of the Tribunal's Order dated 1 December 2004 in that appeal

**AND UPON** considering the Tribunal's Order dated 1 December 2004 in this appeal

**AND UPON** considering the Respondent's application dated 22 December 2004 to set aside paragraphs 2 and 3 of the Tribunal's Order dated 1 December 2004

**UPON** considering the Respondent's application dated 19 April 2005 for an extension of the time period in paragraph 2 of the Tribunal's Order dated 1 December 2004

**AND UPON** considering the written submissions of the Appellant and the Interveners

**AND UPON** hearing the legal representatives of the parties at a case management conference held on 5 May 2005.

**IT IS ORDERED THAT:**

1. For the reasons set out in the Tribunal's judgment in *Floe Telecom Limited (in administration) v Office of Communications* [2005] CAT 14 OFCOM's application to set aside paragraphs 2 and 3 of the Tribunal's Order dated 1 December 2004 is dismissed.

2. The time period in paragraph 2 of the Tribunal's Order dated 1 December 2004 is extended to 5pm on 1 July 2005.
3. A further case management conference provisionally be fixed for either:
  - a. 29 June 2005 at 3.30pm; or
  - b. 19 July 2005 at 2pm
4. The date set out in paragraph 3(a) above will be effective only if OFCOM consider that due to unforeseen circumstances it is necessary to make a further application for additional time, in which case OFCOM shall notify the Tribunal and the other parties by 2pm on 27 June 2005 that the hearing on 29 June 2005 will be necessary.
5. The Respondent pay the Appellant's costs in respect of this case management conference on the standard basis, the parties to reach agreement as to the amount of costs recoverable, and failing agreement, such costs to be assessed pursuant to rule 55(3) of the Tribunal's rules following an application by either party.
6. There be permission to apply.

**Marion Simmons QC**  
Chairman of the Competition Appeal Tribunal

Made: 5 May 2005  
Drawn: 5 May 2005