



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

**Case No. 1040/3/3/04**

BETWEEN:

**BRITISH TELECOMMUNICATIONS PLC**

Appellant

-v.-

**OFFICE OF COMMUNICATIONS**

Respondent

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**ORDER**

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**UPON** considering the appellant's notice of appeal dated 9 July 2004 against the respondent's notification dated 11 May 2004 pursuant to section 94 of the Communications Act 2003 (the "2003 Act") of the appellant's contravention of General Condition 1.2 (the "First Notification")

**AND UPON** considering the Tribunal's order dated 15 July 2004 adjourning the time for filing a defence to the appellant's notice of appeal against the First Notification

**AND UPON** considering the Tribunal's judgment of 9 December 2004 in Case No. 1025/3/3/05 *British Telecommunications plc v OFCOM* ("CPS Save Activity") [2004] CAT 23

**AND UPON** hearing counsel for the parties at a case management conference on 10 March 2005 at which the respondent, in the light of the Tribunal's judgment of 9 December 2004, withdrew the First Notification to the appellant and informed the Tribunal, through counsel, that it intended to issue a new notification to the appellant during April 2005

**AND UPON** considering a further notification issued by the respondent to the appellant pursuant to section 94 of the 2003 Act dated 25 May 2005 (the "Second Notification")

**AND UPON** considering the appellant's application dated 2 August 2005 that, in the light of the appellant's decision not to appeal against the Second Notification, it be granted permission to withdraw the appeal pursuant to rule 12 of the Competition Appeal Tribunal Rules 2003

**AND UPON** considering the written representations of the respondent dated 9 August 2005 in support of the appellant's application

**IT IS ORDERED THAT:**

1. The appellant be granted permission to withdraw the appeal.
2. There be no order as to costs.
3. There be liberty to apply.

**Sir Christopher Bellamy**  
President of the Competition Appeal Tribunal

Made 11 August 2005  
Drawn 11 August 2005