



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case: 1076/2/5/07

**Before:
The Honourable Mr Justice Pumfrey
Peter Clayton
Professor Paul Stoneman**

B E T W E E N:

E.ON UK plc

Appellant

-v-

OFFICE OF RAIL REGULATION

Respondent

and

ENGLISH WELSH AND SCOTTISH RAILWAY LIMITED

Intervener

ORDER

UPON considering the procedural timetable for the proceedings pursuant to the Tribunal's Order of 19 February 2007

AND UPON reading the observations of the parties in respect of the appellant's application to stay the proceedings

AND UPON hearing counsel for the parties at a case management conference on 4 April 2007

AND UPON the appellant indicating that it will apply to the Court of Appeal for permission to appeal against the judgment of the Commercial Court in *English Welsh & Scottish Railway Ltd v E.ON UK Plc & Anor* [2007] EWHC 599 (Comm), which permission had been refused it by Field J

AND UPON the appellant having agreed to promptly inform the Tribunal the result of its application for permission to appeal

IT IS ORDERED THAT:

1. The hearing previously fixed for 19 and 20 April 2007 be vacated.
2. A further case management conference be listed on 23 July 2007 at a time and location to be notified to the parties.
3. Costs be reserved.
4. There be liberty to apply.

The Honourable Mr Justice Pumfrey
Chairman of the Competition Appeal Tribunal

Made: 4 April 2007
Drawn: 4 April 2007