



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case: 1084/3/3/07

B E T W E E N:

02 (UK) LIMITED

Appellant

supported by

T-MOBILE (UK) LIMITED

VODAFONE LIMITED

Interveners

-v-

OFFICE OF COMMUNICATIONS

Respondent

supported by

ORANGE PERSONAL COMMUNICATIONS SERVICES LIMITED

HUTCHISON 3G (UK) LIMITED

Interveners

ORDER

UPON reading OFCOM's statement entitled "Mobile call termination" published on 27 March 2007 ("the Decision")

AND UPON reading the appellant's Notice of Appeal filed on 29 May 2007

AND UPON considering OFCOM's letter dated 23 July 2007 in which OFCOM indicated that it did not intend to resist O2's appeal

AND UPON considering O2's letter dated 24 July 2007 in reply

AND UPON hearing counsel for the parties, and for British Telecommunications plc, at a case management conference on 26 July 2007

IT IS ORDERED THAT:

1. The Decision be quashed insofar as it includes, within the definition of the relevant market, the provision by O2 to other communications providers of wholesale mobile voice call termination in the United Kingdom to ported-in numbers for which O2 does not set the termination charge.
2. The Decision be quashed insofar as it finds that O2 has significant market power in respect of the provision by O2 to other communications providers of wholesale mobile voice call termination in the UK to ported-in numbers for which O2 does not set the termination charge.
3. The matter be remitted back to OFCOM for reconsideration.
4. There be no order as to costs.

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 26 July 2007
Drawn: 1 August 2007