



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1102/3/3/08

BETWEEN:

T-MOBILE (UK) LIMITED

Appellant

supported by

HUTCHISON 3G UK LIMITED

Proposed Intervener

-v-

OFFICE OF COMMUNICATIONS

Respondent

ORDER OF THE CHAIRMAN

UPON reading the Notice of Appeal lodged by T-Mobile (UK) Limited (“T-Mobile”) on 16 May 2008

AND UPON hearing the legal representatives of the parties and of Hutchison 3G UK Limited (“H3G”) and British Telecommunications plc at a case management conference on 30 May 2008

IT IS ORDERED THAT:

1. Pursuant to rule 18 of the Competition Appeal Tribunal Rules 2003, S.I. 2003 No. 1372 (“the Tribunal Rules”), the proceedings be treated as proceedings in England and Wales.
2. The following question be determined as a preliminary issue
“whether the Tribunal has jurisdiction under section 192 of the Communications Act 2003 or otherwise to determine the appeal brought by T-Mobile (UK) Limited in these proceedings”
3. The Respondent file and serve its defence in relation to the preliminary issue by 5.00pm on 6 June 2008. The time for filing the defence with the Tribunal under rule 14 of the Tribunal Rules in relation to the other issues raised in the notice of appeal is suspended until further order.

4. The period of three weeks for lodging a request for permission to intervene in relation to the preliminary issue stipulated by rule 15(2)(f) of the Tribunal Rules be abridged so that requests for permission to intervene in relation to the preliminary issue are to be made by no later than 5pm on 6 June 2008.
5. H3G be granted permission to intervene generally. The period for the submission of a statement of intervention under Rule 16 of the Tribunal Rules is suspended until further order.
6. If it has not already done so, the Appellant serve a non-confidential version of the notice of appeal (including annexes) on H3G by 5.00pm on 6 June 2008.
7. In relation to the preliminary issue:
 - a. The Appellant file and serve a skeleton argument for the hearing by 5.00pm on 13 June 2008;
 - b. The Respondent file and serve a skeleton argument for the hearing by 5.00pm on 20 June 2008;
 - c. H3G may make submissions on the preliminary issue limited to oral submissions at the hearing;
 - d. The parties prepare an agreed bundle of documents to serve as the core bundle for the hearing and an agreed joint bundle of authorities to be referred to at the hearing;
 - e. The parties file six copies of the said bundles by 5.00pm on 20 June 2008;
 - f. The hearing of the preliminary issue be listed for 26 June 2008 with a time estimate of one and a half days.
8. Costs be reserved.
9. There be liberty to apply.

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 30 May 2008
Drawn: 30 May 2008