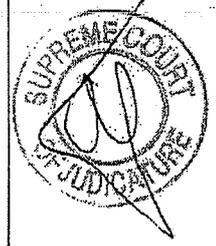




COURT 74
Appeal No.

C3/2007/0658
C3/2007/0665



TUESDAY 19TH JUNE 2007 **RECEIVED**

25 JUN 2007

IN THE COURT OF APPEAL #2089

ON APPEAL FROM THE COMPETITION APPEALS TRIBUNAL

10242304

BEFORE LORD JUSTICE JACOB
LORD JUSTICE WILSON

B E T W E E N

OFFICE OF COMMUNICATIONS ("Ofcom")

Appellant/Respondent

-and-

FLOE TELECOM LIMITED (in liquidation)

Respondent/Appellant

AND BETWEEN:

T-MOBILE (UK) LIMITED ("T-Mobile")

Appellant/Intervener

-and-

FLOE TELECOM LIMITED (in liquidation) ("Floe")

Respondent/Appellant

ON READING the Appellant's Notice sealed on the 29th March 2007 filed on behalf of the Respondent on appeal from the order of The Competition Appeal Tribunal dated 15th March 2007

AND UPON Ofcom agreeing to pay Floe's reasonable costs before the Court of Appeal in any event, such costs to be assessed at the standard rate if not agreed

AND ON HEARING Mr R. Anderson QC, Ms A Howard & Mr B Lask counsel for the Appellants and Mr M Pickford counsel for the Respondents

IT IS ORDERED THAT:

1. Ofcom and T-Mobile are each granted permission to appeal against the order of the Competition Appeal Tribunal (the "Tribunal") of 18 January 2007 which gave effect to the judgment of the Tribunal handed down on 31 August 2006 in *Floe Telecom Limited (in administration) v Office of Communications* [2006] CAT 17.
2. Ofcom's and T-Mobile's appeals ("the appeals") are to be heard together.



3. The appeals are to be listed for a hearing on the first available date with a time estimate of three days for the hearing and two days for pre-reading before a Judge with chancery expertise unless the Court otherwise directs
4. Ofcom and T-Mobile are to provide by agreement within 14 days a draft order setting out the relief sought from the Court.
5. Ofcom, T-Mobile and Floe are to provide by agreement a proposed reading list for the appeals.
6. There is liberty to apply.

By the Court

**TUESDAY 19TH JUNE 2007
IN THE COURT OF APPEAL**

ON APPEAL FROM
THE COMPETITION APPEALS TRIBUNAL

OFFICE OF COMMUNICATIONS

- and -

FLOE TELECOM LIMITED (IN LIQUIDATION)

- and -

VODAFONE LIMITED

- and -

T-MOBILE (UK) LIMITED

ORDER

Copies to:

Messrs Ofcom
Legal Department
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

Messrs Taylor Wessing Llp
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Ref: EMP/EPM/FR025.01

Messrs Herbert Smith Llp
Dx 28
London Chancery Lane

T-Mobile (UK) Limited
Hatfield Business Park
Hertfordshire
AL10 9BW

* This order was drawn by Mr M McIlroy (Court Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr M McIlroy, Civil Appeals Office, Room E328, Royal Courts of Justice Strand London WC2A 2LL (DX44450 Strand) and quote the Court of Appeal reference number. The Associates telephone number is 0207 947 7945 (exts: 6284, 6646, 8343).